

**A CRITICAL ANALYSIS OF U.S. IMMIGRATION POLICY
FROM A CHRISTIAN PERSPECTIVE OF HUMAN RIGHTS**

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Doctor of Ministry**

**by
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ABSTRACT

A Critical Analysis of U.S. Immigration Policy from a Christian Perspective of Human Rights

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This project presents a critical analysis of U.S. immigration policy from a Christian perspective of human rights. The concepts of human rights and human dignity are reciprocally related to each other, and are supported by various theological-ethical and biblical perspectives. In reality, human dignity is sustained through human rights. Yet, historical experiences of immigrants, living under oppressed and marginalized condition in U.S., reveal that they had been denied of their inherent human rights.

The main body of this project explores the following concepts from a Christian perspective: human rights and human dignity, international human rights law, and U.S. immigration policy. This project raises a question: How can U.S. immigration policy be improved to promote human rights? The question comes from a Christian human rights perspective; however, current immigration debates do not seem to be concerned with human rights questions. U.S. immigration policy assumes the backdrop of Eurocentric America. Beyond the scenes of mainstream culture, this project focuses on a theological-ethical perspective.

Additionally, this project addresses the positive effects of international human rights law. Human rights is an important international agreement to protect human dignity. Specifically, within the context of international human rights movement, the recent Vienna Declaration from World Conference on Human Rights is discussed in detail. The progress of human rights has come a long way. Yet, not enough. Responding to the failures of U.S. government, many Christians and the churches in U.S. have sacrificed themselves to protect refugees. This project also lifts up the concepts of sanctuary movement.

In conclusion, this project calls for Christian leadership to promote holistic U.S. immigration policy. It mentions several concrete recommendations from various Christian and legal/social organizations, promoting human rights and holistic U.S. immigration policy. Therefore, this project attempts to integrate U.S. immigration policy and international human rights law. It promotes human rights ministry which calls for Christian action to promote peace with justice.

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My theological studies and this work are an earnest attempt to respond to a call of God: Practice peace with justice. As a Christian Korean immigrant, who has claimed the U.S. as a new home, I also want to live to be "somebody." I felt that my dream, along with hundreds of other Koreans', was partially shattered when the 1992 Los Angeles "Uproar" had pernicious effects against the Korean community. I became deeply concerned about protecting human rights and human dignity for all peoples.

I want to thank my mother and father. In my childhood, my father told me to become "a person who can rise above to the sky with the spirit of justice." My mother has shown me how to through the means of grace. My family had to share the deep pains of human agony. Only when I too experienced the darkest time of my life, I understood the root of my *han*. But through this process, all of us have grown. I also thank my sister-in-law and niece, Lilah Jinjoo Kim, for they have shown me how to live with faith and hope in God, respectively.

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Table of Contents

Chapter	Page
1. Introduction	1
Nature of Problem	5
Objective	7
Project Scope	9
Methodology and Procedure	10
2. Human Rights and Human Dignity: A Christian Perspective	15
Concepts of Human Rights and Human Dignity	15
Faith in Human Rights	25
Theological-ethical Perspective	28
A Feminist Perspective: A Table of Hospitality	29
A Liberation Perspective: Community Praxis	31
A Messianic Perspective: The Church in the Power of Spirit	32
Theological Ethics: Toward "Somebodyness" for All	36
Challenge: Signs of the Spirit	40
3. International Human Rights Law and Human Dignity	42
Human Rights in Three Stages	42
Historical Antecedents	48

United Nations Charter	54
International Bill of Rights	59
Universal Declaration of Human Rights	60
World Conference on Human Rights	63
Vienna Declaration	65
Summary	72
4. U.S. Immigration Policy: A Christian Human Rights Perspective	74
Brief History	74
Current Immigration Issues	80
Starting Point: Margin as Mainstream	91
Backdrop: Eurocentric America	95
A Biblical Plot: American Quest for a Myth of Innocence	97
A Challenge: Refugees	100
Christian Response: Sanctuary Movement	102
Concepts of Sanctuary Movement	102
Recommendation	105
5. Conclusion:	109
Christian Leadership and Human Rights	
State of Leadership Today	110
Leadership: A Christian Perspective	111

Servant-leadership	112
Politics of the Spirit	113
Religious Leaders and Environment	116
Korean Immigrant Church	117
Toward Holistic U.S. Immigration Policy	120
Christian Ethical Perspective	123
Global Perspective	125
Human Rights Ministry	129
U.S. Immigration Policy and International Human Rights	132
Sanctuary Movement: Refugee Experience and <i>Han</i>	137
Christian Action: Peace with Justice	140
Appendixes	
A. Charter of the United Nations	146
B. Universal Declaration on Human Rights	147
C. Resolution on Refugee Protection and Sanctuary, National Council of the Churches of Christ in the U.S.A. (Adopted 17 May 1985)	155
D. Resolution of the National Council of the Churches of Christ in the U.S.A., The Anti-Immigrant Backlash (Adopted by the General Board 11 November 1994)	157
E. Peace With Justice Week: Start-UP Kit	161
Bibliography	172

CHAPTER 1

Introduction

In late April 1992, rightly called "sickening" by President Bush, and condemned by all segments of society, the Rodney King beating led, in part, to violence in Los Angeles. The beating stands as a landmark in the recent history of law enforcement. Police chiefs are deeply concerned that the problem of excessive force in American policing is real.¹ The beating represented a form of gross violation of human rights and human dignity. Thus, for me, it became the theological moment of Christian action, of *kairos* (time), relating to my own profession and to immigration experiences in the United States.

In response to the violence, the presidential executive order was issued to Federal law enforcement officers and the U.S. military personnel "to suppress the violence" in Los Angeles.² As a Special Agent of the U.S. Department of Justice, Immigration and Naturalization Service (INS), I then found myself intervening at the scenes of violence. As a Christian, who is in the law enforcement profession, I became deeply concerned about protecting human rights and human dignity.

¹ Independent Commission on the Los Angeles Police Department, *Report of the Independent Commission on the Los Angeles Police Department*, 9 Jul. 1991, i.

² U.S. President, Executive Order, "Providing for the Restoration of Law and Order in the City and County of Los Angeles, and Other Districts of California," 1 May 1992.

Several months later, the former director of the Federal Bureau of Investigation (FBI), William H. Webster, produced a situation report, *The City in Crisis*, for the Board of Police Commissioners on the "Civil Disorder" in Los Angeles. The report asks, "What happened?" Responding to the question, after consulting and interviewing with various experts and community leaders, the report concludes that "the most important recommendations are to recognize the need for increased resources to fight crime. . . , to increase attention to emergency response planning and training. . . , and finally to simplify and upgrade the capability of the city and the Department to exercise effective command and control over emergencies. . . ." ³

However, as a Korean-American, I have learned additionally that there is a different voice. When the city-wide demurring brewed to violent "uproar" on April 29, 1992, Korean-Americans in particular became the outraged, pernicious targets of the violence. What happened? As a result, Korean-American victims' "American dreams" were permanently shattered. What happened? Unable to accept the reality of her son's death, a Korean-American woman still waits for her college-age son to return home.

This story of Korean-American victims, particularly from women's perspective of the uproar in Los Angeles was first screened at Norris Cinema, University of

³ Special Advisor to the Board of Police Commissioners on the Civil Disorder in Los Angeles, report, *The City in Crisis*, 21 Oct.1992, 4.

Southern California. On that tragic evening of violence, her son went out to help local Korean-American merchants to protect their businesses; instead, he was accidentally shot and killed.⁴ What happened? It is called, in Korean, *Sa-I-Gu* (April 29th). It is *Sa-I-Gu* as Korean-Americans remember the day with other emotionally significant historical time, such as *Yuk-I-Oh* (June 25th, referring to the 1950 Korean War) and the like. The impact remains.

During the tragic evening of violence, I was flying into Los Angeles Airport on a commercial airline, witnessing the city on fire. Since then, I have struggled to connect the notion of human rights with my own professional experiences of *Sa-I-Gu* and Christianity. As a Christian, *Sa-I-Gu* then remains as ^a theological moment of time, known as *kairos*--it is a special kind of time. Unlike another Greek word for time (*chronos*, i.e., "clock-time" and "chronological"), "*kairos* is a time of opportunity demanding a response: God offers us a new set of possibilities and we have to accept or decline."⁵ Humbly, I accept in faith this offer of God whose grace for justice and love abounds in *kairos*.

From a Christian perspective, I began to ask a few questions: If Christians are compelled to promote human rights, what is their theological basis of human rights?

⁴ Elain Kim, Christine Choy and DaiSil Kim-Gibson, dir., *Sa-I-Gu*, 14 March 1993.

⁵ Robert McAfee Brown, Introduction, ed. *Kairos* (Grand Rapids: Eerdmans Publishing, 1990), 3.

Why should Christians be committed to promote human rights? Particularly, linking these question to my own professional perspective, as a nation of immigrants, how can U.S. immigration policy help to promote human rights? Naturally, just as I could not have stayed on the airplane forever, in the celestial space, such questions led me to analyze the issues of human rights and U.S. immigration policy in the context of Christian ministry. For me, Christian ministry demands action; it is about "God's event in Jesus and Jesus words of justice, love, and compassion."⁶ I believe that Christian ministry has the clear purpose of serving the kingdom of God as brought and preached by Jesus. Thomas O'Meara puts it this way:

Ministry makes the kingdom explicit, turns its ambiguous presence into symbol, word, action. Word and deed are offspring and servant of the kingdom of God While Christian ministry has its own patience in leading not forcing to faith, and while ministry serves ultimately the inner conversation of a person with grace and not church politics, ministry normally is public service of the Kingdom. Call it "grace," salvation," "faith," "Holy Spirit," "justice" -- ministry serves the reign of God after Jesus Christ directly and immediately.⁷

The promotion of human rights is a service to the kingdom of God on earth. My objective of Christian ministry is to promote human rights with Christian perspective within the context of U.S. immigration policy.

⁶ Thomas Franklin O'Meara, *Theology of Ministry* (New York: Paulist Press, 1983), 88.

⁷ O'Meara, 137.

Nature of Problem

The U.S. is a nation of immigrants. Historically, however, the U.S. has held an ambivalent view of immigration. Unfortunately, the negative view was to emerge as early as the eighteenth century.⁸ In 1753, Benjamin Franklin gave a rather strong warning about the Germans in Pennsylvania as he feared that the Germans would eventually outnumber the English. Perhaps this view is the best known expression of that time.

[T]hose who came hither are generally the most stupid of their own nation, and as ignorance is often attended with great credulity, when knavery would mislead it, and with suspicion when honesty would set it right; and, few of the English understand the German language, and so cannot address them either from the press or pulpit, it is almost impossible to remove any prejudices they may entertain Not being used to liberty, they know not how to make modest use of it.⁹

Strange, some arguments never seem to change. Subsequently, similar fears, although not about the Germans, led to the adoption of the national origins quota system, limiting eventually the number of immigrants to the U.S., and the enforcement of

⁸ Congress, House, Committee on the Judiciary, "Brief History of United States Immigration Policy," *Immigration and Nationality Act*, report prepared by Congressional Research Service (Washington: GPO, 1992), 548. I am utilizing the term immigrants within the meaning of immigration law. I realize that it does not differentiate various historical and legal meanings contained in the term.

⁹ Franklin D. Scott, *The People of America: Perspectives on Immigration*, American Historical Association Pamphlet 241 (Washington, D.C.: AHA, 1972), 15, cited in *Immigration and Nationality Act*, 551.

various oppressive immigration policies. Anti-immigration feelings shared by the "native white," born of native parents, or nativist, increased particularly during the mid-nineteenth century. They shared a common fear:

The nativist movement of this period was inspired by a combination of anti-Catholicism, fear for American labor, the linking of immigration with crime and poverty, and concern about the political impact of immigrants.¹⁰

Whenever the dominant political system felt the intolerable difference and the fear based on a difference of race, nationality, or religion, immigrants were blamed as the scapegoat. Depressed economy merely added fuel to the fire. Such oppressive policies and mood-swings of the nation continue in the twentieth century.

Recently, reacting to the national mood-swings, the INS has shifted its emphasis from being a "service" agency to a "gate keeper" of America to turn away certain categories of people. Obviously, U.S. immigration policy makers have failed to meet human rights standards; they are suffering from acute effects of social myopia. This was also the case in the failing policy of the refugee issue.

Although the people of the United States pride themselves on their tradition of welcoming those fleeing persecution, in practice United States immigration policies have welcomed those fleeing communist regimes (especially white Europeans) and discriminated against those

¹⁰ *Immigration and Nationality Act*, 553.

fleeing United States-allied regimes (especially people of color).¹¹

Today, the term "refugee" roughly means a person under "well-founded fear of persecution on account of race, religion, nationality, membership in a particular social group, or political opinion. . . ." ¹² That definition brought United States law into conformity with existing standards of international law.

Objective

The objective of this project is to integrate Christianity with the standards of international human rights law, in order to promote an idea that Christians are compelled theologically and ethically to promote a better balanced, holistic U.S. immigration policy. In solidarity, I am interested in taking a part in the ministry of human rights to change situations that seem to be increasingly unjust in terms of various issues relating to U.S. immigration policy. My presupposition for the ministry is that the notion of justice is not always found in the middle or the "mainstream," rather, it is found at the margin or the bottom ranks of the society. Notwithstanding various theories of justice, Karen Lebacqz writes, "If injustice is the beginning point,

¹¹ *In the Shadow of Liberty* (Philadelphia: American Friends Service Committee, 1988), 11.

¹² *Immigration and Nationality Act*, 21.

then we may need different theories of justice."¹³ And, if justice is relative, it is always capable of improvement. Further, writing about justice in an unjust world, Lebacqz cites the familiar biblical position from the First Testament: "I will make *mishpat* (Justice) the measure and *sedaqah* (righteousness) the plumb line" (Isa. 28:17).¹⁴ I shall interconnect the following themes to strengthen the plumb lines of righteousness: Christianity, human rights, and U.S. immigration policy.

This project establishes the affinity between the standards of International Bill of Human Rights and a theological-ethical perspective relating to human dignity. A brief history of U.S. immigration policy and current immigration issues are analyzed to illustrate that immigration policy and the implementation historically has a dialectical relationship, where they have shaped each other in practice, establishing that the "margin" shapes the "mainstream" America. Throughout this project, a Christian perspective, the ethics of love in practice and the notion of solidarity, are weaved as the plumb line of justice to discuss issues of human rights and U.S. immigration policy.

In sum, my task for this project is to achieve connection between the concepts of human rights and U.S. immigration policy from a Christian perspective. I believe

¹³ Karen Lebacqz, *Six Theories of Justice* (Minneapolis: Augsburg Publishing, 1986), 123.

¹⁴ Karen Lebacqz, *Justice in an Unjust World* (Minneapolis: Augsburg, 1987), 6.

that Christian leadership can be a necessary agent to strengthen the plumb line of justice, promoting human rights for all.

Project Scope

The scope of the project is to address issues of human rights and U.S. immigration policy. It comes from a Christian perspective, and is supported by international human rights law. The project uses a Christian perspective of solidarity, i.e., liberation theological perspectives, that stresses the reality of historical injustice in the American society. Particularly, these perspectives come from the exploited classes and marginalized culture and ethnic groups. The international human rights law is also juxtaposed with a Christian perspective to support arguments from a legal perspective of human rights. However, the reading of human rights law is limited to my own reading of the law. It does not attempt to address the legal effects in the international arena of human rights, e.g., the United Nations. Also, a brief history of U.S. immigration policy is analyzed to point out historical experiences of human rights violations. I must put forth a couple of disclaimers: (1) Views written here do not represent official policies of the Immigration and Naturalization Service (INS); and (2) I do not officially interpret nor represent the agency relating to this project. All of the INS sources quoted are public information. The "sanctuary movement" is reviewed as a case study to point out my dialectical approach to a Christian theological-ethical methodology on human rights.

Methodology and Procedure

This project brings forward the issues of human rights from a Christian theological-ethical perspective to promote human rights ministry, specifically in the areas relating to U.S. immigration policies. Christians in fact support human rights. "Despite the differences among Christians over matters of doctrine, there is a growing consensus today in support of human rights."¹⁵ There is a reciprocal relationship between the concept of human rights and theological-ethical perspective.¹⁶

From a Christian perspective, human rights is hinged on the notion of ethics of love. Specifically, the ethics of love is a hinge between human rights and human dignity. In practice, human responsibility is the key to gaining access to promoting human rights. To promote human rights, this responsibility is shared with other human beings. I believe that Judeo-Christian understanding of the ethics of love (*agapeism*) draws the affinity between human rights and human responsibility. Biblical bridge of the ethics of love (*agapeism*) is as follows:

"You shall love the Lord your God with all your heart, and with all your soul, and with all your mind. This is the greatest and first commandment." *And* a second is

¹⁵ Robert Traer, *Faith in Human Rights* (Washington, D.C.: Georgetown University Press, 1991), 85.

¹⁶ Max L. Stackhouse and Stephen Healey, "Religion and Human Rights: A Theological Apologetic," paper presented at the International Conference on Religious Human Rights in the World Today: Legal and Religious Perspective, Emory University, Atlanta, Ga., 7 Oct. 1994.

like it: "You shall love your neighbor as yourself." On these two commandments hang all the law and the prophets [emphasis mine].¹⁷

My biblical emphasis is to highlight human responsibility towards one another within Christian communities. Martin Luther King, Jr., shared this vision of *agape*. He believed that "*agape* is the central energizing norm guiding the activity of nonviolence. *Agape* enables the nonviolent resister to combine 'tenderheartedness and though mindedness' by avoiding the 'complacency and do-nothingness of the softminded and the violence and bitterness of the hardhearted.'"¹⁸ Witnessing the present violent world, we must consider ways to bring peace and justice together. On the level of human relations, rights and responsibilities are together: "moral responsibilities are what actualize human rights, and they are what is demanded of human beings when rights are claimed."¹⁹ Hence, for Christians, there should be the beginning of a deeper theological understanding that calls for human responsibility.

In the Christian community a more complex prereflective understanding of our situation has repeatedly come to expression to moderate these simplistic views. There is both divine grace and human responsibility. Christian action entails both. . . . The Danger is real, and an

¹⁷ Matt. 22: 37-40, NRSV.

¹⁸ Garth Baker-Fletcher, *Somebodyness: Martin Luther King, Jr. and the Theory of Dignity* (Minneapolis: Augsburg/Fortress Press, 1993), 126.

¹⁹ Arthur J. Dyck, *Rethinking Rights and Responsibilities* (Cleveland: Pilgrim Press, 1994), 13.

attitude of confidence that God will prevent the worst horrors is irresponsible. The God who "permitted" Auschwitz will permit anything the creatures choose to do. *God is not another agent alongside the creatures. God acts only in them and through them* [emphasis mine].²⁰

The notion of human rights rests on human responsibility as a whole. The voices of the oppressed, marginalized, excluded, and the like must be emphasized. To these concerns, various theologies and the international human rights perspective serve as the moral and judicial ground.

The primary instrument deals with international human rights is the Universal Declaration on Human Rights. In its preamble, the following is written:

Whereas disregard and contempt for human rights have resulted in barbarous acts which have outraged the conscience of mankind, and the advent of a world in which human beings shall enjoy freedom of speech and belief and freedom from fear and want has been proclaimed as the highest aspiration of the common people. . . .²¹

Human rights are claimed as the highest aspiration of the common people. I have realized that human rights are not applied justly in the area of U.S. immigration policy. When this highest aspiration of human rights is not achieved, Christians ought to

²⁰ John B. Cobb, Jr. and David Ray Griffin, *Process Theology* (Philadelphia: Westminster Press, 1976), 137.

²¹ United Nations, Center for Human Rights, *Human Rights: A Compilation of International Instruments* (New York: United Nations Publications, 1988), 1-2.

recognize the moment of theological-ethical time of challenge (time known as, *kairos*, in the Greek language) to become a part of the prophetic voice to achieve the common human rights standards. This was the case with the "Sanctuary movement." I believe that Christians in the movement are compelled to collaborate theological-ethical reflections with international human rights law (and other international concerns, such as environmental issues) and U.S. immigration policy.

Procedurally, I shall establish the above methodological discussion in the following manner: Chapter 2 discusses the notion of human rights from a Christian perspective, appealing to various sources of theological-ethical perspectives. Chapter 3 describes the international human rights law and the progress on human rights in the world. Chapter 4 sketches a brief history of U.S. immigration policy, and addresses the issues of human rights and U.S. immigration policy, including current immigration issues. This chapter also discusses a particular Christian experience/response, known as the "Sanctuary Movement," where Christians mobilize to react to the refugee policy. (This case study points to the dialectical relationship in solidarity between the two conflicting areas: Christianity and U.S. immigration policy, specifically in the area of refugee experience.) Lastly, Chapter 5 concludes the project by integrating Christian leadership with the notion of human rights. A challenge to Christians leadership is to assume global responsibility to integrate Christian faith with standards of international

human rights.²² Addressing refugee issues and their relating U.S. foreign policy, I shall cite specific recommendations from a Christian perspective and the Lawyers Committee. A Korean refugee experience, known as *han* (i.e., the experience of human suffering), is also depicted to articulate the need to promote human sanctuary movement. I hope to urge the practice of human rights ministry to promote just and holistic U.S. immigration policies.

²² Hans Küng, *Global Responsibility* (New York: Crossroad Publishing, 1991), 38.

CHAPTER 2

Human Rights and Human Dignity: A Christian Perspective

This chapter introduces human rights and human dignity from a Christian perspective. The concepts of human rights and human dignity are reciprocally related to each other; they should be viewed together. The notion of human rights is also a challenge as there are theological differences relating to human rights. It seems, however, that while there are both the common and different theological understanding in various faith traditions, no one can deny that human beings have inherent rights. In this chapter, I shall discuss the concept of human rights and how it developed theologically in the church. I shall draw the affinity in solidarity of praxis with various oppressed experiences. Regardless of nationality, gender, ethnic and religious differences, emphasis on human dignity leads to the common plumb line of righteousness that calls for human rights for all. The connecting concept is the ethics of love, which is the basis of human dignity, known as "somebodyness."

Concepts of Human Rights and Human Dignity

A concept of human rights has a basic presupposition: "A human right is a claim to be able and allowed to perform an action because one is a human being -- not because one is a citizen, or is permitted in law, or has a grant from the king or the

pope, or for any other reason."¹ Further, "the phrase 'human rights' implies a universal ethic which claims that they 'ought' to be believed and observed everywhere by everyone."² In reality, it may not be universal. The philosophical presupposition is, however, that there is a universal ethical standard of human rights. I realize that there are many other views.

The question in focus is whether the doctrine of human rights should become a "creed." Max Stackhouse defines that "a doctrine is a teaching, claim, or assertion; a creed is a doctrine held to be true, embraced with commitment, celebrated in concert with others, and used as a fundamental guide for action."³ For Stackhouse, we must embrace fundamental understanding of humanity and thereby give a rooted content to human rights that is genuinely universal. Further, while Christians will not find the phrase "human rights" in their Bible, there is a myriad of stories that speak of and for human rights. In fact, the notion of human rights concept is implicitly a theological assumption: "That such rights are ours by virtue of creation, which of course presupposes belief in a Creator."⁴ There are many positive religious scriptural

¹ Hans Küng and Jürgen Moltmann, ed., *The Ethics of World Religions and Human Rights* (Philadelphia: Trinity Press International, 1990), 13.

² Max L. Stackhouse, *Creeeds, Society, and Human Rights* (Grand Rapids: Eerdmans Publishing, 1984), x.

³ Stackhouse, 2.

⁴ Douglas J. Elwood, *Human Rights: A Christian Perspective* (Quezon City, Philippines: New Day Publishers, 1990), 17.

dimension. The following are some of the passages invoked from various traditions in discussion of human rights:⁵

Judaism: For in the image of God was man created
(*Genesis 1:27*).

Judaism and Christianity: Though shall love thy
neighbor as thyself (*Leviticus 19:18; Matthew 22:39*).

Islam: Let there be no compulsion in religion (*Sura*
2:256).

Hinduism: The truth is one, and sages call it by various
names (*Rg Veda I.164.46*).

Buddhism: For hatred does not cease by hatred at any
time: hatred ceases by love, this is an old rule
(*Dahmmapada 1.5*).

Confucianism: Then all within the four seas will be his
brothers (*Anlects 12.5*).

Taoism: Peace is the highest value (*Tao Te Ching,*
Chap. 31).

Iroquois: All peoples shall love one another and live
together in peace (*Book of Life*).

Maori: Who will care and cares this land, this earth?
. . . It is truth, justice, and compassion (*Traditional*
Maori song).

⁵ Harvey Cox and Arvind Sharma, "Positive Resources of Religion for Human Rights," in John Kelsay and Sumner B. Twiss, eds., Religion and Human Rights (New York: The Project on Religion and Human Rights, 1994), 70 - 71.

Christians believe that human beings are made in the image of God; therefore, all human beings have inherent dignity. Further, this inherent dignity in human beings deserves certain inalienable rights. This is a tautological argument. In other words, the notion of human rights is used to maintain human dignity; reciprocally, inherent human dignity provides the basis for human rights. In this sense, human rights may be defined as an universal moral entitlement of human dignity. A conservative, human rights theologian writes:

Were there a transcendent Source of human rights--a God who both declared to what rights human beings are entitled *qua* human beings, and who created human beings, and who created human beings in His [God's] own image so that these rights are entailed by God's very nature -- then, and only then, could there be a satisfactory interest -- oriented definition of human rights.⁶

Human rights are ultimately titles; they are essentially guiding posts to a right human relationships as designed by God.

Another important aspect about human rights is the formal endorsement of universal human rights by the international community, known as the United Nations. Arguing for the use of natural rights and moral responsibility as the basis, Arthur Dyck writes, "Is not this [U.N. endorsement] strong evidences, or a least some evidence, that natural rights have not been rejected by the world's government? The United Nations

⁶ John W. Montgomery, *Human Rights and Human Dignity* (Grand Rapids: Zondervan Publishing, 1986), 78.

has, indeed, claimed universality for 'human rights' as recognizable characteristics 'of all members of the human family.'⁷ Further, the term, human rights, came into common contemporary usage, particularly after the Second World War, from the Universal Declaration of Human Rights (UDHR). The UDHR is known as the foundation of the human rights law.⁸ (Chapter 3 will discuss the subject on international human rights). After experiencing a gross violation of human rights, this declaration served, in part, as the inception of the international community's commitment to protect human rights. It begins with the following:

Whereas recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world⁹

Procedurally, the notion of human rights then became a system of social safeguards to preserve inherent dignity of human beings. "Human rights are, therefore, dignity-preserving moral properties."¹⁰

However, human rights cannot be reduced to a list of "basic" properties of human rights. Preserving human dignity requires more than just a list of legal rights;

⁷ Dyck, 99.

⁸ United Nations, General Assembly, *Universal Declaration of Human Rights*, 10 Dec. 1948.

⁹ United Nations, *Universal Declaration*.

¹⁰ Morton E. Winston, *Recueil Des Cours* (Collection of Lectures), 2 Jul. - 30 Jul. 1993, *Institut International des Droits de L'homme*, Strasbourg, France.

unfortunately, the truth is that there is as yet no full agreement on just what is "basic human rights." In his findings, Jack Donnelly concludes that there is no adequate listing of so-called basic human rights. As adapted below, the following were such attempts to find some kind of agreement:

"Basic Human Rights"¹¹

Survival

Protection against torture

Protection against apartheid

Food (Ajami, 1978)

Life

Liberty

Property

Security

Freedoms of speech, press and assembly

Protection against arbitrary arrest and detention (Bedau, 1979)

Life

Protection against torture

Protection against *ex post facto* laws

Protection against imprisonment for non payment of debts

Recognition before the law

Freedom of thought and religion (Non-derogable rights drawn from the
International Covenant on Civil and Political Rights)

Subsistence

Protection against torture

Protection against arbitrary arrest and detention

Protection against extrajudicial execution (Matthews and Pratt, 1985)

¹¹ Jack Donnelly, *Universal Human Rights in Theory and Practice* (Ithaca: Cornell University Press, 1989), 37-39, cited in Elwood, 4.

Life

Protection against disappearance

Protection against torture

Protection against arbitrary arrest and detention (Reiter, Zunzenegui,
and Quiroga, 1986)

Security

Subsistence

Liberty (Shue, 1980)

As shown, although human rights may be universal in principle, they have yet to become universal in reality. Sadly, it appears that even the list of moral properties have been stolen away. It has been aptly said that, "The only universal thing about human rights today is their universal violation."¹² Ultimately, insofar as human rights law inform the world of blatant violations, the central concern then should be how the notions of human rights can be applied to protect human dignity.

If human rights law informs Christians that human dignity as designed by God is being violated, then it also involves a matter of theological ethics. Understanding theological ethics from human rights perspective presents challenges to various aspects of conventional Christian tradition. Thus, applying faith in human rights means that, in part, Christians need to clarify their theological ethics on human rights. Max Stackhouse puts it this way:

It should also be noted that in the term "theological ethics," ethics is the noun and "theological" is the adjective. This suggests that the subject matter of ethics

¹² Elwood, 6.

defines the focus and thus can leave aside, or correct, theology when it becomes unethical or anti-ethical To include "theological" means that we may reasonably know and speak about the ultimate and universal norms that are so sacred that they are to guide all human behavior in every ethos.¹³

Another necessary clarification is that "theology" and "religion" are not the same.

Again, Stackhouse makes a clear distinction between the two:

Religious ethics has to do with what people actually hold as creed and what people actually bond themselves to in "memberships," thereby affecting the arrangements of the social spaces in a society. Theological ethics has to do with the critical analysis of religions, the evaluative assessment of which ones are valid, and the investigation of the grounds on which such evaluations can be made. We may live by religious ethics, but we must think by theological ethics.¹⁴

I will focus on the latter. This does not mean that I am able to make a clear distinction between confessional and theological ethics. However, there is a need to separate a mere ideological and personal confessions from the process of theological evaluation. International human rights law refer to the minimal standards of human rights, i.e., recognition of inherent human dignity, equal and inalienable rights for all individuals. My theological ethics begin with the above concept of minimal standards of human rights.

¹³ Stackhouse, 21.

¹⁴ Stackhouse, 21.

In order to achieve the minimal human rights standard, I begin with the following presupposition: The common direction of human rights ethos is being developed from the bottom to the top in the global community. Religions of the world find a greater interest in the commonality for peace and justice. The declaration of the World Conference of Religions for Peace, held in Kyoto, Japan, in 1970, is an example of the beginning of a global inter-religious human rights perspective:

Meeting together to deal with the paramount theme of peace, we discovered that the things that unite us are more important than the things that divide us. We found that we have in common: a conviction of the fundamental unity of the human family, of the equality and dignity of all men and women; a sense of the sacrosanctness of the individual and his conscience; A sense of the value of the human community; a recognition that might is not the same as rights, that human might cannot be self-sufficient and is not absolute; the belief that love, compassion, selflessness and the power of mind and inner truthfulness have, in the end, more power than hatred, enmity and self-interest; a sense of obligation to stand on the side of the poor and oppressed against the rich and the oppressors; deep hope that good will, in the end, will triumph.¹⁵

Envisioning this global ethical perspective and recognizing interrelatedness and interdependence of one another, Hans Küng asks, "What is the use of laws without morals?"¹⁶ Further, there is the Christian ecumenical movement itself to express the

¹⁵ Küng and Moltmann, vii.

¹⁶ Küng, 34.

concerns for human rights. Report of the consultation, known as "Human Rights and Christian Responsibility" (St. Pölten, Austria, October, 1974) is one of the earliest record of ecumenical movement. It begins with the following statement:

[I]t is our conviction that the emphasis of the Gospel is on the value of all human beings in the sight of God, on the atoning and redeeming work of Christ that has given to man his true dignity, on love as the move for action, and on love for one's neighbour as the practical expression of an active faith in Christ. We are members one of another, and when one suffers all are hurt.¹⁷

This is a Christian interpretation of "human solidarity." More clarification is necessary to see what that means concretely for the understanding of human rights.

Human beings are historical beings. Historically, my starting point is to explore experiences of those who suffered violations of their human dignity. The oppressors must be able to hear experiences of sufferings. These experiences of oppression of all of kinds ought to represent "everyone's minimal demands on the rest of humanity."¹⁸ The sense of apoplexy is the feeling of violations of all types against human dignity. It is the sound of cacophony. The experiences of oppression of all types then become the minimal demand as the source of universal standard of human rights: the violation on the very essence of human being, i.e., human dignity and those rights necessary to

¹⁷ *World Council of Churches*, Commission of the Churches on International Affairs, "Human Rights and Christian Responsibility," report of the Consultation, St. Pölten, Austria, 21 -26 Oct. 1974, i.

¹⁸ Winston, 10.

maintain the dignity, become the common minimal standards that all human beings hope to achieve. All human beings have experienced, in some shape or form, where their human essences have been violated. In other words, a recognition of the universality of human suffering is to become more inclusive and representative of the hopes and aspiration of all peoples to achieve human rights.

As a member of a Reformed tradition, more specifically the Presbyterian faith community, I join the confession: "In life and in death, we belong to God."¹⁹ My question is, how then has the Christian community contributed to this divided world that increasingly needs an undivided ethics on human rights? How will Christians express their faith in human rights? I shall address these concerns next.

Faith in Human Rights

Faith in human rights are grounded in God. Faith exists not in the abstract, but in relating and living in the concrete realities of specific situations. Therefore, defining what faith is not statically fixed. Paul Tillich points out, "Faith is the state of being ultimately concerned. The content matters infinitely for the life of the believer, but is does not matter for the formal definition of faith."²⁰ Practically, it is "this realized spirituality, this living the faith, occurs with most readily within the context of a

¹⁹ "A Brief Statement of Faith" *The Constitution of the Presbyterian Church (U.S.A.)* Part 1. *Book of Confessions*, (Louisville: Office of the General Assembly, PCUSA, 1991), 10.1.

²⁰ Paul Tillich, *Dynamics of Faith* (New York: Harper & Row, 1957), 4.

community in partnership with the God of peace, justice, and compassion."²¹ Further, despite the differences among Christians over doctrinal matters, "the common faith" lives, and there is a growing consensus today in support of human rights.²²

In the Reformed tradition, celebrating the ability to conduct its own self-criticism, "the Christian churches have become aware of their own failings in the past."²³ If faith arises in the midst of a dialogue between God and human response, faith in human rights is a process of pensive interaction within the Christian communities. Analyzing the Protestant tradition, Küng points to a model, where Protestant Christianity has had the ability to contribute to the postmodern period in the form of self-criticism.

[A]uthentic Christianity (like some other religions) is not content with a confession of guilt, but calls for radical change as a consequence, the change which politicians, social planners and psychologists, parties and associations find it so difficult to achieve: a change in awareness, in psychological attitude, in the whole mentality, at the center of a person, in the "heart."²⁴

Indeed, Christians have taken the biblical Greek word for repentance, *meta-noia*, as their experiences of conversion to re-think the past histories. Therefore, for Küng, "a

²¹ Audrey R. Chapman, *Faith, Power, and Politics* (New York: Pilgrim Press, 1991), 31.

²² Traer, 85.

²³ Küng, 65.

²⁴ Küng, 66.

new basic consensus on integrative human convictions" is necessary to move away from dualistic Christian theology. He writes:

No one nowadays need any longer be opposed to 'modern achievements,' to freedom, equality and brotherhood, to democracy and human rights, because he or she believes in God. Nowadays a religious orientation to reality and a scientific view of the world are no more mutually exclusive than religious faith and political involvement.²⁵

In other words, Christians need not feel torn apart between faith and action which is the notion of human rights. For Küng, this understanding then leads to postmodern requirements as the basis of faith in human rights. The requirements are as follows:

Not just freedom, but also justice
 Not just equality, but also plurality
 Not just brotherhood, but also sisterhood
 Not just coexistence, but peace
 Not just productivity, but solidarity with the environment
 Not just toleration, but ecumenism²⁶

Faith in human rights in this context means to protect human dignity; reciprocally, human dignity is sustained through human rights. Christians must continue to embrace this delicate relationship in faith as human responsibility to achieve the minimal standard on human rights.

In sum, the process of defining faith in human rights has again taken a full tautological circle. Human dignity and human rights are reciprocally related to each

²⁵ Küng, 66.

²⁶ Küng, 67-69.

other. This relationship could not have been possible without enriching the community of faith through the disciplines of self-criticism. Faith in human rights sounds different to those Christians who come from conservative and fundamental tradition.

Nevertheless, the notion of human rights is distinctively Christian in the sense that it maintains the dialectical relationship, embracing the central concern for love, universality, peace, justice, and hope. These are what faith in human rights hopes to achieve as Christians engage in the rethinking process, including theological-ethical perspective.

Theological-ethical Perspective

Experiences of the oppressed and marginalized members of the global community of faith shape the Christian form of human rights. Reading the Bible with "third world" eyes, Robert McAfee Brown expresses his gratitude to all people in the third world as their reading of the Bible has "forced" his own rereading of the Bible. Part of him wishes that he had never heard of them, "for the rereading had made the Bible a new book for [him], much more disturbing and continually challenging a lifetime of hard-won assumptions."²⁷ For Brown, it was about making the connection

²⁷ Robert McAfee Brown, *Unexpected News* (Philadelphia: Westminster Press, 1984), 16. I believe that any serious study of a biblical text and tradition must begin with a discussion of "hermeneutics," i.e., it requires interpretation. The genre of biblical text interweaves the complex stories of God and human affairs. I accept the axiom of liberation theology that hermeneutical reading of the Bible bridges the critical reflection and practice. I would repeat as Karl Barth put it, Bible and newspaper, Word and world; they are in constant interaction with each other.

between the God of the Bible and the good news of "liberation for the oppressed."

How can Christians be further inclusive to promote human rights? There is a need to hear the voices of those who were oppressed and excluded. Voices of feminist and liberation theologies become the touch stone to the entire Christian community; it is a beginning of doing theological ethics, where it is an act of deeper theological reflection.

A Feminist Perspective: A Table of Hospitality

Women have sacrificed too much. As the oppressed and marginalized segment of society, feminist theologians have helped to define and to connect the margin of society at large to the historically male-dominated, mainstream world. For example, Letty Russell, a feminist theologian, connects her faith, feminism, and the church. She begins with a question: "How do we develop a feminist theory about the church that makes sense of women's reality and experiences of oppression and yet continues to affirm Jesus Christ as the source of life and connection in the Christian community?"²⁸ Her principle is a table principle.

It looks for ways that God reaches out to include all those whom society and religion have declared outsiders and invites them to gather round God's table of hospitality. The measure of the adequacy of the life of a church is how it is connected to those on the margin, whether those the NRSV [New Revised Standard Version] calls "the

²⁸ Letty M. Russell, *Church in the Round* (Louisville: Westminster/John Knox Press, 1993), 21.

least of these who are members of my family" are receiving the attention to their needs for justice and hope (Matt. 25:40).²⁹

The Christian perspective on human rights demands a call for the marginalized to come forward to the round table of God in society. All peoples experiencing the violations of human dignity are on the margin; a connection can exist only when there is an invitation of the table of hospitality of love to the margin.

Next question is, who then are peoples of the margin? In other words, who has the "view from the below?" Russell considers such a theme important, citing works such as Gustavo Gutiérrez, a Latin American liberation theologian, who develops "theology from the underside of history."³⁰ She writes, "The view from below presses liberation theology to take up the questions of the nonperson: [quoting Gutiérrez] 'Our question is how to tell the nonperson, the nonhuman, that God is love, and that this love makes us all brothers and sisters.'³¹ This is an issue of theological ethics. Karen Lebacqz writes, "if it turns out that liberation theology is correct, and that the world situation is characterized largely by injustice, something else will be needed. . . . If injustice is the beginning point, then we may need different theories of

²⁹ Russell, 25.

³⁰ Russell, 25.

³¹ Gustavo Gutiérrez, *The Power of the Poor in History: Selected Writings*, trans. Robert R. Barr (Maryknoll, N.Y.: Orbis Books, 1983), 193, cited in Russell, 25 - 26.

justice."³² Christians are compelled to move toward the political and economic solidarity.

A Liberation Perspective: Community Praxis

Liberation perspective sees the view from the politically oppressed and the economically poor, and calls Christian communities to move to solidarity in action. From a liberation perspective, historically oppressed experiences must be included to begin to talk about the essence of Christian life. Enrique Dussel, a liberation theologian, claims that "the essence of the Christian life is community: being together with others. This is also the essence of the reign of God: to be together with God, face-to-face with God in community."³³ Therefore, a Christian community begins in solidarity with "praxis" or "practice" with the marginalized and excluded segments of society. Praxis is both act and relationship, and "is the actual, here-and-now manner of our being in our world before another person . . . for Thomas Aquinas a relationship betokened the constitutive reality of each of the persons of the most holy Trinity."³⁴

³² Lebacqz, *Six Theories of Justice*, 122 - 123.

³³ Enrique Dussel, *Ethics and Community*, trans. Robert R. Barr (Maryknoll, N.Y.: Orbis Books, 1988), 7 - 8.

³⁴ Dussel, 8.

Theologically, in solidarity, the reign of community begin now on earth. For Dussel, "now is the time of the church, the time of those called to complete the messianic mission of Jesus in history." He writes:

The apostles questioned the risen Jesus: "is it now that you will restore the kingdom of Israel?" (Acts 1:6). To be sure, they are thinking of a "political," a nationalistic, kingdom, perhaps an anti Roman nation. Jesus responds: "You will receive a power. The Holy Spirit will come down on you" (Acts 1:8). And there the primitive Christian community, of which we have been speaking, was born--the community that praised God "with exultant and sincere hearts."³⁵

Dussel is not the only one who longs for that kind of community. This is also the commitment for those Christians who believe that the church is in the power of the Holy Spirit. All Christians, who are in the power of the Holy Spirit, are members of their respective communities known as the church.

A Messianic Perspective: The Church in the Power of Spirit

The church in the power of Holy Spirit is united in the salvation history of triune God, particularly with the oppressed and marginalized people in the "Kingdom of God" on earth. Moltmann's presupposition is that he believes that the Christian church as a religious institution should look after people and move "away from

³⁵ Dussel, 14.

impenetrable, large-scale organization to an accessible small-scale community."³⁶

Jürgen Moltmann states the following:

The church is present wherever 'the manifestation of the Spirit' (1 Cor. 12:7). . . . The church participates in the uniting of men with one another, in the uniting of society with nature and in the uniting of creation with God. Wherever unions like this take place, however fragmentary and fragile they may be, there is the church. The true church is the fellowship of love.³⁷

For Moltmann, this unity in the fellowship of love was also demonstrated in the history of protestant tradition as "Christianity [is understood] as the religion of freedom, human rights as the realization of the kingdom of God, and popular sovereignty as the coming of age of free citizens."³⁸ Moltmann cites Richard Rothe as an example. For Rothe, the Enlightenment's struggle for freedom from the corrupt church was not "the abomination of desolation, nor atheism," rather, it was "the sign and wonders of the liberating spirit."³⁹

Envisioning church in the power of the Spirit, Jürgen Moltmann emphasizes the messianic perspective that begins with the principle that the church lives in the constant tension between God's initiative of the "already" and the "not yet." Based on the

³⁶ Jürgen Moltmann, *The Church in the Power of the Spirit* (Minneapolis: Fortress Press, 1993), xiii.

³⁷ Moltmann, 65.

³⁸ Moltmann, 45.

³⁹ Moltmann, 45.

teleological principle, an important characteristic of this eschatological church is that it is both "here and now" and the "not yet." In other words, the church has paradoxical relationship in which "the church is 'at the same time,' the object of hope and the object of experience."⁴⁰ For Moltmann, this relationship can be maintained only through pneumatological understanding in the church. This transitional relationship is known as the work of Holy Spirit.⁴¹

Today, in the power of Spirit, the church's messianic mission is to bring the full image of *shalom*, restoring justice and peace, on earth. Luke records the reading of Jesus and the mission with words taken from Isaiah 61:1f:

The Spirit of the Lord God is upon me, because he has anointed me to preach good news to the poor. He has sent me to proclaim release to the captives and recovery sight to the blind, to let at liberty the oppressed go free, to proclaim the year of the Lord's favor.⁴²

The arguments for human rights are many and varied. Yet, I agree that Christianity can by its faith make its own contribution to promote human rights. Moltmann points to the following theological arguments for human rights:⁴³

If God the Creator destined man to be his image on earth, then human dignity, freedom and responsibility precedes

⁴⁰ Moltmann, 24.

⁴¹ Moltmann, 33.

⁴² Luke 4:18-18 (NRSV).

⁴³ Moltmann, 179-81.

every society and every established system of rule. God's image is not a king. It is man as such. Consequently man is not made for the state; the state is made for man. And political rule must be tested and legitimated against this fact. . . .⁴⁴ Human rights are neither a possession nor an ideal. They legal and political aids on the road to man's becoming man and the unification of mankind. They are apprehended as a process, which is unfinished and, historically speaking, unfinishable.

In the salvation history of a triune God, "through Christ's self-giving, the rule of violence and oppression has been repealed in Christ's fellowship."⁴⁵ Meeting various concrete demands for peace and justice, this fellowship occurs in the faith community that emphasizes the growing and changing aspects of the partnership between God and the community itself. Further, the messianic mission in the church means the partnership between the church and the oppressed in the salvation history of triune God. In other words, the partnership requires the faith community's ongoing commitment and shared struggle in the hopes of the oppressed toward the goal that is also lived within the tension of "already and not yet" of God's kingdom.

I shall now move to an American context. Particularly, I believe that African-Americans had to deal with that kind of God's kingdom. Martin Luther King, Jr.,

⁴⁴ Moltmann places a footnote here. He indicates, "that is why Articles 13 and 15 of the Universal Declaration of Human Rights say: Everyone has the right to freedom of movement and residence within the borders of each State. Everyone has the right to leave any country, including his own, and to return to his country. Everyone has the right to a nationality. No one shall be arbitrarily deprived of his nationality nor denied the right to change his nationality" (p. 384).

⁴⁵ Moltmann, 292.

articulated, in essence, that such condition as a social movement "synthesized a creative doctrine of agape and nonviolent resistance into the dynamic process of the dignified person."⁴⁶

Theological Ethics: Toward "Somebodyness" for All

The notion of somebodyness convey a powerful message in the realm of theological ethics. As his dissertation project, Garth Baker-Fletcher wrote about Martin Luther King, Jr.'s ideals of dignity. For King, "Somebodyness [originated] in God's declaration of the worth and dignity of human beings."⁴⁷ Indeed, this was one of the greatest strengths of King's view on dignity and freedom; the concrete application of somebodyness for social change was yet to come to America.

In the early 1950s, as a seminarian, King read Walter Rauschenbusch's *Christianity and the Social Crisis*, a book which left an "indelible imprint on [his] thinking."⁴⁸ Setting aside his difference with Rauschenbusch's view on human nature, King explicated that Rauschenbusch gave to American Protestantism as sense of social responsibility that it should never lose. King concluded that "a religion that professes a

⁴⁶ Baker-Fletcher, xi.

⁴⁷ Baker-Fletcher, 156.

⁴⁸ Martin Luther King, Jr., *Strength to Love* 1977; reprint, (Philadelphia: Fortress Press, 1981), 150.

concern about the slums that damn them, the economic conditions that strangle them, and the social conditions that cripple them, is a spiritually moribund religion."⁴⁹

I believe that King's later areas of application and development of "somebodyness," lead to the human rights movement, which sought racial justice for all. Theologically, Baker-Fletcher finds that King's understanding of "somebodyness" combines the image of God and "Boston Personalism, which "becomes clear in an examination of a late sermon, "Lost Sheep," in which King used the parable of the lost sheep (Luke 15: 1-10; Matt. 18:12-14) to describe God as one who seeks every lost person. The second point of the sermon was that the parable of the lost sheep 'tells us about the dignity and worth of all human personality.'⁵⁰ Socially, in "Where Do We Go From Here?" Baker-Fletcher finds that King used the concept of "somebodyness" to answer "the dilemma of the "shattered dreams and blasted hopes of the Negro's daily life. Somebodyness is a 'positive response' that overturns the instilled sense of 'worthlessness' that King was as the legacy of slavery."⁵¹ Psychologically, Baker-Fletcher also finds that "King affirmed the psychological necessity of self-liberation here. He spoke about an inner, mental state of worthlessness that only a 'rugged sense' of somebodyness can overcome [courage]. This kind of somebodyness is the assertion

⁴⁹ King, 150

⁵⁰ Baker-Fletcher, 156. citing a sermon by Martin Luther King, Jr., "Lost Sheep."

⁵¹ Baker-Fletcher, 157, citing a sermon by Martin Luther King, Jr., "Where Do We Go From Here?"

of one's worth despite the racist culture's pervasive accusation and insinuation that one is worthless."⁵² Lastly, "King believed that if blacks gained self-acceptance and self-appreciation of their beauty, then a process would begin where by white Americans could view integration as 'an opportunity to participate in the beauty of diversity.'"⁵³

King believed that "the Zeitgeist for freedom had captured not only him individually, but the Negro in general, as he stated in his Nobel reception speech".⁵⁴

Something within the Negro has reminded him of his birthright of freedom, and something without has reminded him that it can be gained. Consciously and unconsciously, he has been caught up by the Zeitgeist, and he is moving with a sense of great urgency toward the promised land of racial justice.⁵⁵

The land of racial justice is not without human rights criteria. Rauchenbusch's social gospel was on King's mind. Baker-Fletcher finds,

Human rights, in King's mind, were founded on the recognition of one's innate worth, personhood, and heritage, on opportunities provided for the Negro to secure a livable income, a secure job, and decent housing, and thereby on secure economic dignity. The struggle for human rights was not limited to oppressed Negroes in the

⁵² Baker-Fletcher, 158.

⁵³ Baker-Fletcher, 159, citing "Where Do We Go From Here?"

⁵⁴ Baker-Fletcher, 92.

⁵⁵ Martin Luther King, Jr., "Nobel Reception Speech," delivered at the Dinkler Plaza Hotel, Atlanta, 27 Jan. 1965, from the Martin Luther King, Jr. Center Archives, Atlanta, cited in Baker-Fletcher, 92.

United States, for King, but had also motivated struggles in Asia, Latin America, and Africa.⁵⁶

In effect, it is clear that the construction or the "reconstruction" of somebodyness has given the sense of social empowerment to African-Americans. It is reconstruction because "the exact roots of the expersion, 'you are somebody,' are buried forever in the mists of African-American slave history. One cannot cite a particular author, but only acknowledge both the community that produced the expression and the context of pervasive racism out of which it emerged."⁵⁷

In sum, Garth Baker-Fletcher correctly reframed King's vision of somebody. "King's understanding of somebodyness, the values of self-appreciation and self-affirmation need to be combined with his appreciation of diversity. . . . Such diversity is energized by a real sharing of power and inclusion of differences along racial, gender, and class differences. Somebodyness embraces and celebrates that kind of diversity."⁵⁸ As Korean-American, I too embrace my own immigration experience as the process of somebodyness in the U.S.

As I confess my own Christian faith, I hope for something universal to protect human rights. I believe that Christian perspective should translate into the solidarity of praxis. Indeed, faith in human rights is distinctive Christian. Writing about the

⁵⁶ Baker-Fletcher, 162 - 63.

⁵⁷ Baker-Fletcher, 187.

⁵⁸ Baker-Fletcher, 190.

freedom of Christian, Martin Luther called the solidarity action as "the genuine rule of a Christian life," which is the good things we have from God. He wrote that

*the good things we have from God should flow from one to the other and be common to all, so that everyone should "put on" his neighbor and so conduct himself toward him as if he himself were in the other's place. From Christ the good things flowed and are flowing into us. . . . We conclude, therefore, that a Christian lives not in himself, but in Christ and in his neighbor. Otherwise he is not a Christian. He lives in Christ through faith, in his neighbor through love. By faith he is caught up beyond himself into God [emphasis mine].*⁵⁹

I have explored various Christian perspectives that embrace human suffering events as their theological starting points. Christian solidarity, having invitation of the table of hospitality and a view from the poor, should be common to all.

Challenge: Signs of the Spirit

In February 1991, the World Council of Churches (WCC) gathered under the common theme, "Signs of the Spirit." Under the theme, the assembly posits that "the advocacy of and struggle for human rights should be central in the churches. We urge that the defense and promotion of human rights be understood as central to the gospel, and their promotion a responsible and ethical engagement by Christians in social

⁵⁹ Martin Luther, *Three Treaties*, trans. W.A. Lambert, rev. by Harold J. Grimm (Philadelphia: Fortress Press, 1966), 309.

life."⁶⁰ Christians embrace human dignity as the basis of the minimal standard of human rights.

Unfortunately, many Christians are either woefully ignorant of standards of the international human rights law or carelessly insensitive to various issues of human rights. I believe that challenge to join human solidarity is a theological-ethical issue as we embrace the notion of faith in human rights in terms of social and theological praxis. I believe that issues relating to U.S. immigration policy are challenging the Christian communities squarely to respond to the signs of Spirit as they demand the plumb line of divine righteousness (Chapter 4 discusses more on this matter). The concepts of human rights have not arisen from a vacuum. They are legally binding, international contract to protect human dignity.

Has the advocacy for human rights been central in the church? How are Christians responding to the challenges of human rights? What is the international human rights law that all states must abide by? How does U.S. immigration policy relate to human rights law? These questions must be addressed as they relate to standards of the international human rights law.

⁶⁰ "Spirit of Truth -- Set Us Free!" in *Signs of the Spirit*, ed. Michael Kinnamon (Geneva: WCC Publications, 1991), 92.

CHAPTER 3

International Human Rights Law and Human Dignity

This chapter describes the notion of human rights, subscribing perspectives from the international human rights law. International human rights law is defined as "the law which deals with the protection of individuals and groups against violations by governments of their internationally guaranteed rights, and with the promotion of these rights."¹ Often, the critics of human rights are generally ignorant of the scope and the depth of international human rights law. I shall trace the historical antecedents, and explain significant details of human rights in the Universal Declaration of Human Rights (1948) and the World Conference on Human Rights (1993). Human rights ministry is needed desperately to introduce the legal aspects of human rights to the Christian community to become aware of standards of human rights.

Human Rights in Three Stages

In 1977, the French jurist and human rights specialist Karel Vasak rearranged human rights under three categories according to accumulating generations of human rights movement.² They are,

¹ Thomas Buergenthal, *International Human Rights* (St. Paul: West Publishing, 1988), 1.

² Karel Vasak, "A 30-Year Struggle: The Sustained Efforts to Give Force of Law to the Universal Declaration of Human Rights," *UNESCO Courier*, Nov. 1977, 29-32, cited in Elwood, 6.

- (1) Civil and Political Rights (*liberté*)
- (2) Economic, Social, and Cultural Rights (*égalité*)
- (3) Solidarity Rights (*fraternité*)

Recognizing that human rights derive from the inherent dignity of the human person, "first generation" rights are often associated historically with the English (1688), American (1775), and French (1789) revolutions of the seventeenth and eighteenth centuries. The first generation of human rights embraces the concept of "liberty" in which the civil and political freedoms become the central issues. These rights are not exclusively political or negative; however, they are commonly understood more as negative ("freedom from" the abuse and misuse of political authority) than positive ("rights to") terms. In other words, first generation rights are "freedom-oriented" as stated in Articles 2 to 21 of the Universal Declaration on Human Rights (UDHR).³

They state the following rights:

- (1) freedom from discrimination of any kind, race, color, sex, language, religion, political or other opinion, national or social origin, property, birth or other status;
- (2) rights to life, liberty and the security of the person;
- (3) freedom from slavery or involuntary servitude;
- (4) freedom from torture and from cruel, inhuman or degrading treatment or punishment;
- (5) freedom from arbitrary arrest, detention, or exile;
- (6) the right to a fair and public trial;

³ United Nations, *Human Rights*, 2 - 5.

- (7) freedom from interference in privacy and correspondence;
- (8) freedom of movement and residence;
- (9) the right to asylum from persecution;
- (10) freedom of thought, conscience, and religion;
- (11) freedom of opinion and expression;
- (12) freedom of peaceful assembly and association, and no one may be compelled to belong to an association;
- (13) the right to participate in government, directly or through free elections, and everyone has the rights to equal access to public service;
- (14) right to own property and the right not to be deprived of one's property arbitrarily.

Unfortunately, while the United Nations has accepted that these are universal human rights, insofar as their universality in practice, they are far from reality for all people in the world. Yet, civil and political rights are featured in almost every state constitution, and they dominate the majority of international human rights declarations, covenants, and conventions.

"Second generation" human rights refer to economic, social, and cultural rights; they presuppose the concept of socio-economic *égalité* (equality). As human rights take the form of socialist and Marxian traditions from the nineteenth and twentieth centuries, they are understood in more positive ("rights to") than negative ("freedom from") terms, not necessarily in the sense that they are higher in value than the first generation. The second generation human rights require affirmative state action; they

are difficult to realize and require more positive role from the state. Articles 22 - 27 of the UDHR catalog many of these rights:

- (1) the right to social security;
- (2) the right to work and to protection against unemployment and to just and favorable conditions of work;
- (3) the right to equal pay for equal work;
- (4) the right to form and to join trade unions for the protection of their interests;
- (5) the right to rest and leisure, including reasonable limitation of working hours and periodic holidays with pay;
- (6) the right to a standard of living adequate for the health and well-being of self and family, including food, clothing, housing, and medical care and necessary social services;
- (7) motherhood and childhood are entitled to special care and assistance;
- (8) the right to education;
- (9) the right freely to participate in the cultural life of the community, to enjoy the arts and to share in scientific advancements and its benefits;
- (10) the right to the protection of one's scientific, literary, and artistic production.

The first and second generation human rights were designed, knowing that civil and political rights could be secured "immediately," whereas adequate economic, social, and cultural rights could be achieved only "progressively," according to each state's available resources.⁴ However, this is not an acceptable excuse to defer indefinitely, lacking the realizable goals for each states.

⁴ Elwood, 8.

Lastly, "third generation" human rights are known as "solidarity rights."

Becoming more aware of the need for global cooperation for survival, they draw upon values associated with the two earlier stages in the development of human rights. They are both freedom-oriented and need-based human rights. Historically, the third-generation human rights are associated with the "third world" revolutionary situations. These rights are inclusive, and they expand as they are articulated in their own context. Particularly, Article 28 of the UDHR proclaims that "everyone is entitled to a social international order in which the rights set forth in this Declaration can be fully realized." While third generation rights reflect the rise of under-developed nations "demand for a global redistribution of wealth and power," they reflect critically needed solidarity rights with the world. They include the following claimed rights:⁵

- (1) the right to political, economic, social, and cultural self-determination;
- (2) the right to economic and social development;
- (3) the right to participate in and benefit from "the common heritage of mankind" (shared Earth-space resources; scientific, technical, and other information and progress; and cultural traditions, sites, and monuments);
- (4) the right to peace;
- (5) the right to healthy and balanced environment;
- (6) the right to humanitarian disaster relief.

This becomes more and more challenging mandate as human beings everywhere and the natural world are on a collision course. Particularly, human activities inflict harsh and

⁵ Elwood, 9.

often irreversible damage on the environment and on critical resources. The Union of Concerned Scientists voice their concerns over the environment and population. Their concerns are at least the following: atmosphere (e.g., where stratospheric ozone depletion threatens us with enhanced ultraviolet radiation at the earth's surface), to pollution and shortage of water resources, loss of soil productivity, depletion of tropical rain forests, irreversible loss of living species, and over population on this finite earth. They send a warning: "Current economic practices which damage the environment, in both developed and under-developed nations, cannot be continued without the risk that vital global system will be damaged beyond repair."⁶

In sum, three generations of human rights reflect synthesis of three international perspectives on human rights: first generation protects civil and political (individualistic) rights; second generation calls for social equality (collectivistic) rights; lastly, third generation embodies solidarity (inclusive) rights with the "developing" nations. In 1993, the world tested its reality and the universality of three generations of human rights as the second world conference convened in Vienna, Austria. Before discussing contents of the conference, I shall trace the historical antecedents of human rights.

⁶ Union of Concerned Scientists, "World Scientists' Warning to Humanity," letter, April 1993, n.p.

Historical Antecedents

Prior to the Second World War, traditional international law recognized only the relations between nation-states. Individual human beings were not deemed to have international human rights; there was no international legal mechanism to claim one's human right. This meant that only states had legal rights under the law. However, the historical antecedents of human rights showed the signs of a number of international legal doctrines and institutions.

Earliest forms of human rights protection under international law were humanitarian interventions, state responsibility for injuries to aliens, protection of minorities, the League of Nations' Mandates and Minorities Systems, and international humanitarian law.⁷ The international community was working towards broadening protective mechanisms to promote human rights. One of the principle agreement that human rights had to tackle was to find a balance between the notions of sovereignty of nation and the international law that would affect all. Indeed, "it is a well established principle of international law that a state may limit its sovereignty by treaty and thus internationalize a subject that would otherwise not be regulated by international law. This principle has proved of great importance in the internationalization of human

⁷ Buergenthal, 1-2.

rights.⁸ Even in the time of the League of Nations (1920), the notion of human rights law had not gained acceptance by the community of nations. However, after the First World War, the League of Nations played an important role in developing an international system for the protection of minorities and the fair and human conditions of labor for men, women, and children. Particularly, after the war, as a number of new states came into being and others regained their independence, (Poland, Czechoslovakia, Hungary, Yugoslavia, Bulgaria, Albania and Rumania, including pockets of ethnic, linguistic and religious minorities), the League of Nations insisted that the new states include special treaties for the protection of their ethnic, linguistic, and religious minorities.⁹ However, despite these solemn declarations, serious questions about the true intentions of the League surfaced immediately.¹⁰

The League of Nations had its own problems. Rather than supporting self-determination of native peoples, the League set about to administer a mandate system of control over colonial areas. Further, "despite the inclusion of a few scattered representatives from such countries as Japan, China, Haiti, Liberia, and Ethiopia that

⁸ Thomas Buergenthal, "Domestic Jurisdiction, Intervention and Human Rights," in *Human Rights and U.S. Foreign Policy*, P. Brown and D. MacLean, eds., 111, cited in Buergenthal, 4-5.

⁹ Buergenthal, 8-9. The League of Nations, the first intergovernmental organization, was not necessarily set up for human rights; however, it dealt with the subject later.

¹⁰ Paul Gordon Lauren, *Power and Prejudice* (Boulder: Westview Press, 1988), 112.

had never before been allowed by the Western powers to participate in this kind of setting, the League remained essentially 'an all-white and predominantly European affair.'¹¹ Nevertheless, the League confronted the sensitive issue dealing with the racial discrimination. Indeed, it was precisely this issue that provided one of the major reason why the U.S. refused to join the League of Nations in which it refused to give up national sovereignty and racial prejudice. "As Senator James Reed of Missouri asserted: 'Think of submitting questions involving the very life of the United States to tribunal on which a nigger from Liberia, a nigger from Honduras, a nigger from India . . . each have votes equal to that of the great United States.'¹²

Criticisms against the League have been harsh: For example, one scholar concluded that the League was, in effect, "an instrument for perpetuating international white racialism rather than a move against racialism and colonialism."¹³ Thus, to indict the League of Nations, there were other organizations, calling themselves as the

¹¹ See Paul Gordon Lauren *Power and Prejudice* (Boulder: Westview Press, 1988), 112. Lauren is quoting Robert K. Garadiner, "Race and Color in International Relations," in *Color and Race*, John Hope Franklin, ed. (Boston: Houghton Mifflin, 1968), 21. Lauren writes, "This conclusion certainly is confirmed by viewing the photographs in the museum of the Société des nations at the Palais des Nations in Geneva and seeing very few non-white faces" (319).

¹² See Lauren, citing James Reed in Ralph Stone, *The Irreconcilables: The Fight Against the League of Nations* (Lexington: University of Kentucky Press, 1970), 88.

¹³ Hugh Tinker, *Race, Conflict, and the International Order* (London: Macmillan, 1977), 33, cited in Paul Goldon Lauren.

"League Against Imperialism" in 1927, and the "League of Colored Peoples" in 1931.¹⁴

Another example of the coming of modern international human rights relates to the protection of foreign nationals. Protecting aliens was one of the deepest concern for the world. "Traditional international law recognized very early in its development that states has an obligation to *treat foreign nationals in a manner that conformed to certain minimum standards of civilization or justice*" [emphasis mine].¹⁵ Later, remembering the sorrow of war-torn peoples in the world, the United Nations Charter particularly remembers this: "to save succeeding generation from the scourge of war, which twice in our life-time has brought untold sorrow to [hu]mankind"¹⁶ Therefore, while the international law recognized only states can have claims against other states, it also recognized that individuals, irrespective of their nationality, should enjoy certain basic human rights.

Further, the development of human rights often came into being in the form of reinstatement of existing international laws. Connecting historical international law and human rights law, Buergenthal cites part about protecting aliens from the *Restatement of the Foreign Relations law of the United States* (1987): "the difference in history and

¹⁴ Lauren, 117 - 18.

¹⁵ Buergenthal, 11.

¹⁶ United Nations, *Charter of the United Nations and Statue of the International Court of Justice* (New York: United Nations Publications, 1990), 1.

in jurisprudential origins between the older law of responsibility for injury to aliens and the newer law of human rights should not conceal their affinity and their convergence."¹⁷ All individuals benefited from this kind of development of human rights on state responsibility for injury to aliens. Obviously, foreign nationals throughout the world can continue to claim individual rights using the concepts such as "denial of justice" and "minimum standard of justice."

Theoretically, for example, protection of foreign national may apply even in the modern time. During the Los Angeles civil disturbance in 1992, all aliens who received damages and their respective governments may claim against the U.S. government. In essence, the U.S. has failed to ensure safety to its foreign nationals. On the other hand, the U.S. government may deny the validity of such a claim, and respond that it was under the state of emergency; therefore, the situation would be similar to that of a natural disaster. However, what if one particular ethnic or economic class population was singled out? How would that change the interpretation of human rights violation and other violations? Depending on the course of legal action, the procedures would follow specific treaties or charter-based procedures. The violation would be investigated, following the given procedure:¹⁸

¹⁷ *Restatement of the Foreign Relations Law of the United States*, 1987, Part VII, cited in Buerghenthal, 13.

¹⁸ C. Flinterman, "The Human Rights Protection System of the United Nations and Its Specialized Agencies," *Recueil Des Cours* (Collection of Lectures), 2 Jul. - 30 Jul. 1993, *Institut International des Droits de L'homme*, Strasbourg, France. Flinterman is a

Procedure:

1. Diplomacy (between states) ;
2. Good Offices (using 3rd party office);
3. Ad hoc tribunal/Committees (for specific problems)
4. Courts and Commission (body of people, quasi-judicial, to decide cases), based on petitions;
5. Complaint procedures;
6. Reporting (requirement to submit periodic state reports);
7. Technical and Advisory Services;
8. On-site investigation of states;
9. Special Rapporteur (Resolution 1235 and 1503, appointed to study a theme to bring back to report to the UN);
10. Studies and Reports (other bodies of office gathering information by Nongovernmental Organization, etc. on country specific or thematic);
11. Individual action (private party through lawyer);
12. Nongovernmental (NGO) action (gathering information and fact finding mission);
13. Forum of Shame (exposing governments in the public arena, e.g., media, demonstrations, to bring international attention).

The above procedure is not necessarily sequential as any one of the procedure can be an independent method. Particularly, Resolution 1503 is a confidential procedure which is sent directly to the Secretary General. This procedure takes three months, and it looks for pattern of gross violation of human rights. Every year, the Secretary General receives more than 200,000 complaints.

In sum, the legal notion of international human rights has a long way to go.

Focusing particularly after the Second World War, human rights became a commitment

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of the world as it reflected on painful human experiences and conflicts of all types. Although human rights has developed into an international recognition, however, they must be protected continuously for all. I believe that, when the standards of justice (i.e., the minimum standard of justice) are used as the substantive base, all governments in the world would be responsible for upholding human rights. I also believe that "human rights law [should] nourish the law of state responsibility."¹⁹ The United Nations empowered human rights movement to present level of international recognition, ensuring the matter of responsibility to all nations.

United Nations Charter

Concerns for human dignity are written into the Charter of United Nations. They are also built in the operating structure of the organization. As a result, the Charter of the United Nations paved a way for a long journey to establish international human rights. It begins with this preamble:

We the peoples of the United Nations determined

to save succeeding generation from the scourge of war,
which twice in our life-time has brought untold sorrow to
[hu]mankind, and

to reaffirm faith in fundamental human rights, in the
dignity and worth of the human person, in the equal rights
of men and women and of nations large and small. . . .²⁰

¹⁹ Buergenthal, 13.

²⁰ United Nations, *Charter*, 1.

Thus, the United Nations Charter served as the basis of the Universal Declaration on Human Rights as it helped to create the UN system in promoting human rights. At the same time, it also faced certain amount of resistance. At the time of the San Francisco conference on 26 June 1945, human rights faced a strong opposing forces of human rights problems. The United States had its own problem of racial discrimination and France and Great Britain had their oppressive practices of colonial empires. It simply was not in the interest to draft a Charter that established an effective international system for the protection of human rights.²¹

Nevertheless, although human rights provisions fell short of his moral visions, President Franklin D. Roosevelt eloquently espoused the cause of international human rights as early as 1941. Roosevelt called for "Four Freedoms":

He called for " world founded upon four essential human freedoms." These he identified as "freedom of speech and expression," "freedom of every person to worship God in his [and her] own way," "freedom from want," "freedom from fear." Roosevelt's vision of "the moral order," as he characterized it, became the clarion call of the nations that fought the Axis in the Second World War and founded the United Nations.²²

This became an important spring board to the United Nations; subsequently, it claimed the universality of human rights as recognizable characteristics of all members of the

²¹ Buergenthal, 18.

²² Arthur Holcombe, *Human Rights in the Modern World* (New York: New York University Press, 1948), cited in Buergenthal, 17 - 18.

human family. There is no doubt that a Christian perspective was included in the declaration as "the expression 'human rights' refers to the law of human rights which has been and is being developed to protect and promote human dignity."²³ Indeed, promoting human rights help all peoples to develop fully their human qualities and to satisfy their physical, psychological, and spiritual needs.

Specifically, the Charter makes reference to human rights and fundamental freedoms in a number of clauses. The Preamble indicates that the peoples of the United Nations express their determination "to reaffirm faith in fundamental human rights, in the dignity and worth of the human person, in the equal rights of men and women of nations large and small." It contains, in slight variations, the following articles: Articles 1, 8, 13, 55, 56, 58, 62, 68, and 76.²⁴ These articles state topics on human rights:²⁵

Article 1: Chapter on the Purposes and Principles indicates,

The purpose of the United Nations are . . . to achieve international co-operation in solving international, problems of an economic, social, cultural, or humanitarian character, and in promoting and encouraging respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language, or religion

²³ Traer, 2.

²⁴ United Nations, *Human Rights Machinery* Fact Sheet 1 (Geneva, Switzerland: United Nations, 1992), 3-4.

²⁵ United Nations, *Charter*, 3.

Article 8: Chapter on the Organs,

The United Nations shall place no restrictions on the eligibility of men and women to participate in any capacity and under conditions of equality in its principal and subsidiary organs.

Article 13: Chapter on the General Assembly,

The General Assembly shall initiate studies and make recommendations for the purpose of . . . b. promoting international co-operation . . . [of the said purpose of the United Nations.].

Article 55: Chapter on the International Economic and Social Co-operation,

With a view to the creation of conditions of stability and well-being which are necessary for peaceful and friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples, the United Nations shall promote:

- a. higher standards of living, full employment, and conditions of economic and social progress and development;
- b. solutions of international economic, social, health, and related problems; and international cultural and educational cooperation; and
- c. universal respect for, and observance of, human rights and fundamental freedoms for all without distinction as to race, sex, language, or religion.

Article 56: This article helps to create the actual human rights system.

All Members pledge themselves to take joint and separate action in co-operation with the Organization for the achievement of the purposes set forth in Article 55.

Article 62: Chapter on the Economic and Social Council,

The Economic and Social Council . . . may make recommendations for the purpose of promoting respect

for, and observance of, human rights and fundamental freedoms for all.

Article 68: Relating to the procedure, the Charter states specifically,
The Economic and Social Council shall set up commissions in economic and social fields and for the promotion of human rights, and such other commissions as may be required for the performance of its functions.

Article 76: Finally, chapter on the International Trusteeship System,
The basic objective of the trusteeship system . . . shall be:

- a. to further international peace and security;
- b. to promote the political, economic, social, and educational advancement of the inhabitants of the trust territories, and their progressive development towards self-government or independence as may be appropriate to the particular circumstances of each territory and its peoples and the freely expressed wishes of the peoples concerned, and as may be provided by the terms of each trusteeship agreement;
- c. to encourage respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language, or religion, and to encourage recognition of the interdependence of the peoples of the world; and
- d. to ensure equal treatment in social, economic, and commercial matters for all Members of the United Nations and their nationals, and also equal treatment for the latter in the administration of justice, without prejudices to the attainment of foregoing objectives and subject to the provisions of Article 80.

As indicated above, the basic obligations of the United Nations and its Member States in promoting human rights are set out in Articles 55 and 56. While the Charter does not define what is meant by "human rights and fundamental freedoms," and is limited

to the promotion of the "achievement of the purposes set forth in the Articles (i.e., not authorizing necessary action to protect human rights), it points out two important consequences: First, the Charter "internationalized human rights"; second, the Member States are obligated to cooperate with the promotion of human rights. These again are the legal basis for claiming international human rights in the UN system.

In sum, the UDHR is known as an important foundational piece of the International Bill of Rights. The Charter of the United Nations lays the legal and conceptual foundation for the contemporary international human rights law, known as the UDHR. I shall now discuss the International Bill of Rights, including the UDHR.

International Bill of Rights

There are three major human rights instruments, known collectively as the "International Bill of Human Rights" in the United Nations human rights system: First, the Universal Declaration of Human Rights (UDHR), containing thirty articles; second, International Covenants on Economic, Social, and Cultural Rights (ICESCR) containing thirty-one articles; lastly, International Covenant on Civil and Political Rights (ICCPR) containing fifty-three articles.²⁶ The UDHR is known as the foundation of the human rights law.²⁷ The declaration, by definition, functions as an

²⁶ United Nations, Human Rights, 1.

²⁷ United Nations, declaration, Universal Declaration of Human Rights, 10 Dec. 1948.

aspirational document that has the purpose to evolve in the field of human rights.

Covenants (treaties) have the legal binding affect for those states that ratified the covenant. Therefore, conceived as a common standard of achievement for all peoples and nations, the UDHR has been the basis for the development of two International Covenants on Human Rights, along with the Optional Protocol.

Clearly, the purpose of the International Bill of Human Rights has been to continue "to be a fundamental source of inspiration for national and international efforts for the protection and promotion of human rights and fundamental freedoms."²⁸ Since the approval of the UDHR in 1948, the two international covenants had been adopted to serve the same purpose in 1966, in which they were designed to promote equally to achieve the civil and political rights, "as well as," economic, social, cultural rights. Historically, the emphasis has been on the civil and political rights. I shall explain the progress of the Bill in three parts: (1) Universal Declaration of Human Rights; (2) World Conference on Human Rights; (3) Vienna Declaration.

Universal Declaration of Human Rights

On 10 December 1948, the United Nations adopted the UDHR in Paris, France. Its development is attributed to the monstrous violations of human rights of the Hitler era and to the belief that some of these violations might have been prevented in the days of the League of Nations. After witnessing the gross violation of human rights,

²⁸ United Nations, *Human Rights*, vii.

the following declaration served, in part, as the inception of the international community's commitment to promote human rights. The term, "human rights," then came into common contemporary usage, particularly after the Second World War.

Then, in June, 1993, the United Nations again convened the World Conference on Human Rights in Vienna, Austria. This was the second global human rights meeting in the history of the UN. This World Conference on Human Rights produced a document entitled the Vienna Declaration and Programme of Action.²⁹ It reaffirmed and the purposes the principles contained in the UN Charter and the UDHR. The road to promoting human rights from Paris to Vienna has been a long journey with many positive historical landmarks. Still, debates on how to promote UDHR will continue to shape many global facets to further the movement of human rights. I believe that the following preamble of the UDHR sets an important framework:

Whereas recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world,

Whereas disregard and contempt for human rights have resulted in barbarous acts which have outraged the conscience of mankind, and the advent of a world in which human beings shall enjoy freedom of speech and belief and freedom from fear and want has been proclaimed as the highest aspiration of the common people,

²⁹ United Nations, Vienna Declaration.

Whereas it is essential, if man is not to be compelled to have recourse, as a last resort, to rebellion against tyranny and oppression, that human rights should be protected by the rule of law,

Whereas the peoples of the United Nations have in the Charter reaffirmed their faith in fundamental human rights, in the dignity and worth of the human persons and in the equal rights of men and women have determined to promote social progress and better standards of life in larger freedom,

Whereas Member States have pledged themselves to achieve, in co-operation with the United Nations, the promotion of universal respect for and observance of human rights and fundamental freedoms,

Whereas a common understanding of these rights and freedom is of the greatest importance for the full realization of this pledge,

Now, therefore,

The General Assembly,

Proclaims this Universal Declaration of Human Rights as a common standard of achievement for all peoples and all nations, to the end that every individual and every organ of society, keeping this Declaration constantly in mind, shall strive by teaching and education to promote respect for these rights and freedoms and by progressive measures, national and international, to secure their universal and effective recognition and observance, both among the peoples of Member States themselves and among the peoples of territories under their jurisdiction.

The UDHR as a common standard of achievement for all peoples and all nations has been the goal for all members of the United Nations. The proclamation includes the

stages of development, accumulating generations of human rights movement. This journey to achieve a common standard is continuing.

World Conference on Human Rights

In June 1993, the United Nations convened a World Conference on Human Rights in Vienna, Austria.³⁰ As the meeting approached closer to Vienna, having in receipt of continuous assertions that human rights can mean different things in different ethnic, cultural, or religious traditions, there had been concern that the "universality" of the human rights system would be under attack at the conference. The issue was this: while the one espoused human rights norms that transcend and override all of the above differences, the other side insisted that national sovereignty, despite the acceptance of the universality of human rights, prevails the standards whenever they are in question.

Particularly, during the Regional Meeting for Asia in Bangkok (29 March - 2 April 1993), where the ministers and representatives of Asian States met in the context of preparation for the World Conference, the issue of national sovereignty and the universality of human rights became unresolved concerns. The adopted Declaration, known as The Bangkok Declaration, which contains the aspirations and commitments of the Asian region, indicates:

³⁰ Charles H. Norchi, "Human Rights and Social Issues," in *A Global Agenda*, eds., John Tessitore and Susan Woolfson (Lanham, Md.: University Press of America, 1993), 213.

that while human rights are universal in nature, they must be considered in the context of a dynamic and evolving process of international norm-setting, bearing in mind the significance of national and regional particularities and various historical, cultural and religious backgrounds.³¹

Thus, this issue was to be negotiated at Vienna Conference. The tension was mounting high; the "attack," was known as "cultural relativism." It focused in two key areas: against full freedom of political expression, and against the concept of equality for the female half of the human race.³² Against this attack, on 27 March 1993, one hundred ten (110) non-governmental organizations (NGO) from Asian-Pacific region gathered and declared a separate document, known as the "Bangkok NGO Declaration on Human Rights." This gathering was motivated by the need to offer, in a spirit of international solidarity, ideas and suggestions in the lead-up to the Asian inter-governmental conference on human rights. The NGO declaration, in part, states,:

While advocating cultural pluralism, those cultural practices which derogate from universally accepted human rights, including women's rights, *must not* be tolerated As human rights are of universal concern and are universal in value, the advocacy of human rights cannot be considered to be an encroachment upon national sovereignty *There must be a holistic and integrated approach to human rights.* One set of rights cannot be used to bargain for another *International solidarity*

³¹ United Nations, General Assembly, report, "Adoption of the Report of the Regional Meeting: Bangkok Declaration," 1 April 1993.

³² Tyler Marshall, "Idea of Human Rights for All Under Attack," *Los Angeles Times*, 17 June 1993, A6.

*transcends the national order to refute claims of state sovereignty and non-interference in the internal affair of a state [emphasis mine].*³³

Indeed, the international community will not tolerate the violations of human rights that occur behind the name of state sovereignty. On the other hand, affirming this kind of notion of human rights, this standards has never meant stagnation; new norms do arise and others do fade away. Universality means that it is open to the process of diversity.

The standards of human rights call for the "minimum standard of justice" to maintain human dignity. Nation-states must adhere to the commitment to respect human rights. At the second world conference on human rights, intergovernmental negotiations resulted a document known as The Vienna Declaration. I believe that it has strengthened the notion of universality of human rights.

Vienna Declaration

The second World Conference on Human Rights came to Vienna, Austria. Although it has failed to address serious regional conflicts nearby Vienna, through what it called as "gentleman's agreement" to not to discuss the matter, the conference drafted successfully reached to a consensus, declaring the Vienna Declaration and Programme of Action, also known as "Vienna Declaration." The conference has strengthened the cause of "universality" of human rights. Each element of the Declaration addressed

³³ *Bangkok NGO Declaration on Human Rights, Bangkok, 29 March - 2 April 1993* cited in Vitit Muntarbhorn, "The Universality of Standards," paper presented at the Institut International des Droits de L'homme, Strasbourg, France, 2 July 1993, 9-10.

the pressing human rights issues. In part, the Vienna Declaration strongly states that it reaffirms the previous standard of human rights.

[Part II, Paragraph 1:] The World Conference on Human Rights reaffirms the solemn commitment of all States to fulfill their obligations to promote universal respect for, and observance and protection of all human rights and fundamental freedoms for all in accordance with the Charter of the United Nations, other instruments to human rights, and international law. *The universal nature of these rights and freedoms is beyond question* [emphasis mine].³⁴

Further, leaving the door to universality of human rights slightly ajar, it reinforced the notion that "all human rights are universal, individual, and inter-dependent and inter-related." It states,

[Part II, Paragraph 3:] The international community must treat human rights globally in a fair and equal manner, on the same footing, and with the same emphasis. While the significance of national and regional particularities and various historical, cultural and religious backgrounds must be borne in mind, *it is the duty of states*, regardless of their political, economic and cultural systems, to promote and protect all human rights and fundamental freedoms [emphasis mine].³⁵

Indeed, while this is, in part, the sign of intergovernmental compromise and clearly the pressures of certain Asian states, the Vienna Declaration reminds all of the states that it is the duty to protect all human rights and fundamental freedoms. We must

³⁴ United Nations, *Vienna Declaration*, 6.

³⁵ United Nations, *Vienna Declaration*, 6.

review this duty and how the U.S. can appropriate the duty when U.S. immigration policy is discussed later.

Another important reaffirmation is that the Declaration makes the connection between democracy and economic development. Previously, some states had been fearing that "right to development" may become as a "precondition" to implementing other human rights. In any case, the Declaration reaffirmed that the link between "Democracy, development, and respect for human rights and fundamental freedoms are interdependent and mutually reinforcing."³⁶ It expresses a reference to a methodology: that it should be supported by the international community in order to succeed in their transition to democracy and economic development.

The Declaration further indicates that the World Conference reaffirms that everyone, without distinction of any kind, is entitled to the right to seek and to enjoy in other countries asylum from persecution, as well as the right to one's own country. In this respect it stresses the importance of the Universal Declaration of Human Rights, the 1951 Convention relating to the Status of Refugees, its 1967 Protocol and regional instruments.³⁷ In other words, bearing in mind the special needs of women and children, the World Conference recognizes that the complexities of the global refugee crisis in which it urges for the spirit of burden-sharing, a comprehensive approach by

³⁶ United Nations, *Vienna Declaration*, 7.

³⁷ United Nations, *Vienna Declaration*, 11.

the international community. Regarding the issues of refugees, the UDHR states the following in Articles 9, 13, 14, and 15:

[Article 9:] No one shall be subjected to arbitrary arrest detention or exile.

[Article 13:] (1) Everyone has the right to freedom of movement and residence within the borders of each state.
(2) Everyone has the right to leave any country, including his own, and to return to his country.

[Article 14:] (1) Everyone has the right to seek and enjoy in other countries asylum from persecution.

[Article 15:] (1) Everyone has the right to nationality.
(2) No one shall be arbitrarily deprived of his nationality nor denied the right to change his nationality.

Refugees, by definition, are people who have left their countries.³⁸ Specifically, according to the 1951 Convention and 1967 Protocol relating to the Status of Refugee, the definition of refugee is,

[A(2):] Any person who . . . owing well-founded fear of being persecuted for reason of race, religion, nationality, membership of particular social group or political opinion, is outside the country of his nationality and is unable to or, owing to such fear, is unwilling to avail himself of the protection of that country; or who, not having a nationality and being outside the country of his former habitual residence . . . is unable or, owing to such fear, is

³⁸ United Nations, High Commissioner for Refugees, *The State of the World's Refugees* (New York: Penguin Books, 1993), 1.

unwilling to return to it (as amended by Article 1(2) of the 1967 Protocol).³⁹

In 1993, the number of people forced to leave their countries for fear of persecution and violence had risen to a total of 18.2 million. To reach that painful sum, an average of nearly 10,000 people a day became refugees everyday throughout the previous year.⁴⁰ As the U.S. struggle with its own immigration and refugee/asylum problems, Americans seems to feel that they have all of the world's problems and that refugees from all over the world come only to U.S. These are the available statistics from a global perspective:

Nearly four million people from the former Yugoslavia have come to depend on international emergency assistance since late 1991, as the term "ethnic cleaning" has joined the 20th century's lexicon of horrors. Fully one-tenth of Somalia's entire population is outside its borders, and is being helped by to survive by international aid; over half a million Liberians have been in similar situation since early 1990. New upheavals continue to drive out new victims: by June 1993, more than 280,000 people had fled from political repression in Togo, some 500,000 from the war between Armenia and Azerbaijan, 60,000 from clan-based struggles for power in Tajikistan and up to 100,000 from ethnic strife in Bhutan.⁴¹

It seems that the U.S. has hardly the share in the above context of the world's refugees.

While the total number of refugees continues to grow, another interesting point is that

³⁹ United Nations, *State of the World's Refugees*, 163.

⁴⁰ United Nations, *State of the World's Refugees*, 1

⁴¹ United Nations, *State of the World's Refugees*, 1

some of the conflicts that generated displacement across borders have subsided to point where refugees feel able to go home. Apparently, about 2.4 million refugees did so in 1992 alone. For example, returnees now far outnumber the remaining refugees in Central America. Today, the problems of refugees raise not only humanitarian and human rights concerns, but also the issues of international peace and security.

Regarding rights of the migrant workers, in the Declaration, the World Conference invites greater harmony and tolerance between migrant workers and the rest of the society of the State. It urges all States to guarantee the protection of the human rights of all migrant workers and their families [Part III, Section IIB].⁴² Short of direct promotion of human rights near Vienna, the World Conference recognized that refugee and migrant worker cases are on the rise. Refugee cases bring an important point that seems to place the U.S. immigration policy in context of the world's refugee situation.

Deeply concerned by various forms of discrimination and violence against women, the World Conference also urges the eradication of all forms of discrimination against women, both hidden and overt [Part III, Section IIC, 4].⁴³ Therefore, it urged that governments and regional and international organizations to facilitate the access of women to decision-making posts and their greater participation in the decision-making

⁴² United Nations, *Vienna Declaration*, 22.

⁴³ United Nations, *Vienna Declaration*, 23.

process. Governments should be encouraged to use the gender specific data as they relate to women's issues.

The rights of child is another important aspect in terms of promoting respect for the rights of children: to survival, protection, development and participation [Part III, Section IID, 1]. The World Conference urges that all nations to provide maximum extent of their available resources to promote child's rights. Children and youth cannot be seen merely as passive victims. Since children are particularly sensitive to their surrounding environment, we must develop particularly fitting, holistic approach to promote children's rights. They are the most dynamic sources of human energy for the future; this means that we are obligated to develop policies that include their specific interest in mind. The belief of the United Nation Children's Fund is heading toward the areas of concrete application : The areas in mind should be in the effects of "child health and development, water and sanitation, food security, education, household energy, and income generation or employment. . . . Only when benefits make sense, or are tangible, at the community level, will efforts be sustainable."⁴⁴ Particularly, from environmental and sustainable developmental perspectives, as children have the most vital stake in the future, protection of the rights of child is crucial; it is important to

⁴⁴ United Nations, Children's Fund, *Environment, Development, and the Child* (New York: United Nations Children's Fund Programme Publications, 1992), 11.

protect their rights for both adults and children in both developing and industrialized countries.

Summary

The obligations for human rights arise from the violations against inherent dignity of human person(s). From international human rights perspective, human rights rely on the legal account as the source of protection to maintain the minimum requirements of human life and dignity. Historically, it owes its beginning from the international law that was accorded only between nation-states. Since the inception, the road from San Francisco (United Nation Charter) to Vienna (Vienna Declaration) and beyond has been and will be a social choice of a particular moral vision of human dignity and of human destination. The Chairperson/Rapporteur of the principal international human rights courts asks, How far does the United Nations still have to go? As Amnesty International stated to the World Conference, we must also "face up to the failures" of the United Nations in protecting human rights.⁴⁵ These failures have been well documented. Yet, the idea of human rights must continue to move forward to achieve human rights for all and to the achieve the minimum standard for all human beings.

⁴⁵ Philip Alston, "The UN's Human Rights Record: From San Francisco to Vienna and Beyond," *Human Rights Quarterly* 16 (May 1994): 378.

The World Conference on Human Rights reaffirmed the commitment for human rights. It has once again stated that all States have obligations to protect human rights and that all human rights are universal, individual, and inter-dependent and inter-related. As I turn to the task of analysis of U.S. immigration policy, the viewing of various immigration policy from international human rights law perspective is central to the following question: How can U.S. immigration policy promote the minimum human rights standard for immigrants and for all peoples in the U.S.? I believe that Christians must promote standards of the plumb line of righteousness, which includes the human rights agenda, to move toward holistic U.S. immigration policy.

CHAPTER 4

U.S. Immigration Policy: A Christian Human Rights Perspective

This chapter introduces brief history of U.S. immigration and the development of immigration policy. It also describes U.S. immigration policy and the relating American cultural phenomenon. It seems that current immigration issues represent America's cultural attitude in which the mainstream America longs to have the "happy days" again. But, the question is, whose happy days? Public officials, philosophers, and publicists often invent or idealize a homogeneous pasts. They often force the national founders into a single mold.¹ U.S. immigration policy was not developed in a state of vacuum; however, historically, its context comes from the Eurocentric "mainstream" perspective that also shares Christian ethos. This chapter traces brief immigration history, and documents the marginalized history of Asian-American and other current immigrant experiences from the margin. I shall propose another starting point where it comes from the margin, not the mainstream U.S. immigration history. Christian human rights perspective serves to connect human solidarity and U.S. immigration policy.

Brief History

Early U.S. immigration began with the colonists claiming the new land in America. Colonists came from Great Britain, France, and the Netherlands to settle the

¹ Martin E. Marty, *Religion and Republic* (Boston: Beacon Press, 1987), 3.

Eastern seaboard of the continent. In the Southeast, France sent colonists to settle Louisiana. In the South and West, Spanish colonists settle in Florida and in the areas which are now known as Texas, New Mexico, and California. Along with these settlers came involuntary immigrants; black men and women were brought as slaves from the African continents.²

Prior to immigration acts in the 1920s, there was unrestricted migration to U.S., especially from Europe. However, there were still restrictions for Asians, beginning with Chinese in 1881, the Japanese in 1908, and others in 1917. Legislation in 1917 codified existing restrictions and added new ones. During the 1920s, numerical restrictions were placed on immigration from the Eastern Hemisphere. Western Hemisphere immigration remained numerically unrestricted until 1968.³ This type of legislation continued and reflected the atmosphere of cold war and anti-communism in the 1950s.

Immigration slumped drastically during the Great Depression and the Second World War, then, gradually increased. During the depression, few wanted to emigrate to the U.S. More people voluntarily returned than came during the first years of the depression. During that time, U.S. government used the "likely to become a public charge" provision to keep them out (this charge is still being used to keep people out,

² *Immigration and Nationality Act*, 550

³ *Immigration and Nationality Act*, 555.

primarily those from less developed nations). Mexicans in the United States, like others, were hit with the devastating effects of the depression. Rather than give economic relief, U.S. government officials in Los Angeles and elsewhere (local and federal) provided transportation and assistance for the return trip. One scholar estimates that over 400,00 Mexican aliens (and their American-born children) were repatriated during the decade.⁴

The devastation of the Second World War was staggering. The U.S. accepted an estimated 250,000 refugees from Nazi persecution prior to its entry into the war in 1941.⁵ However, the acceptance of refugees was not a part of the immigration policy; it was the Displaced Persons Act of 1948, which was the first legislation enacted in the Nation's history, that welcomed refugees. Meanwhile, in Europe, much of Germany and Russia and parts of Eastern Europe lay in ruins. Americans, or at least high officials, had become aware of the Holocaust well before the end of the war -- millions of others had not perished, and several hundred thousand concentration camp survivors and millions of forced laborers were left without homes. A piece of legislation, such as

⁴ Abraham Hoffman, *Unwanted Mexican Americans in the Great Depression: Repatriation Pressures, 1929-1939* (Tucson: University of Arizona Press, 1974), 31-32, cited in David M. Reimers, "Recent Immigration Policy: An Analysis, *The Gateway*, Barry R. Chiswick, ed., (Washington D.C.: American Enterprise Institute, 1982), 15.

⁵ Robert Divine, *American Immigration Policy, 1924-1952* (New Haven: Yale University Press, 1957), 92, cited in *Immigration and Nationality Act*, 556.

the Displaced Persons Act, set in motion for a long battle over U.S. immigration policy that eventually led to the amendments of 1965 which liberalized immigration laws.⁶

The 1965 amendment to the 1952 (McCarran-Walter) Act repealed the national origins quota system. In place of nationality and ethnic consideration, the Immigration and Nationality Act amendments of 1965 substituted a system based primarily on reunification of families and needed skills.⁷ Today, that type of discrimination based on nationality and ethnic consideration would be unthinkable. It took attacks of liberals, led by Herbert Lehman and Hubert Humphrey in the Senate and Emanuel Celler in the House, to turn the 1952 act around. Specifically, they attacked the national origins formula as

a racist philosophy. It is a philosophy of fear, suspicion, and distrust of the foreigners outside our country, and of the aliens within our country. . . . This philosophy is founded on the assumption that America is under the constant threat of losing her Anglo-Saxon character because of immigration, and that the so-called bloodstock of America, described as Anglo-Saxon and Nordic, is the basis of America, and must be preserved from contamination by foreign immigrants.⁸

On the other hand, liberalization did not mean that U.S. would return to the nineteenth-century pattern of free immigration as immigration policy faced continuous

⁶ Reimers, 18.

⁷ *Immigration and Nationality Act*, 558-59.

⁸ *Congressional Record*, 11 May 1952, p. 5102, cited in Reimers, 26.

reformation. However, a presidential report indicated that the effects of immigration on the U.S. economy and labor market have been positive; it concluded that "the U.S. has done well by doing good."⁹

The Immigration Reform and Control Act of 1986 (IRCA) provided a shift in congressional attention to the issues of legal immigration and of undocumented aliens. The 1981 report of the Select Commission on Immigration and Refugee Policy served in many areas as the basis of IRCA in which it had concluded "that controlled immigration had been and continued to be in the national interest" The Commission recommended the following:

We recommend closing the back door to undocumented/illegal migration, opening the front door a little more to accommodate legal migration in the interests of this country¹⁰

Since the prospect of employment in U.S. is believed to be the economic pull that draws aliens, employer sanctions is a part of the IRCA 1986, as well as the Immigration Act of 1990. Controlling illegal immigration, employer sanctions affect employers with penalty for those who knowingly hire aliens unauthorized to work in the United States.¹¹

⁹ U.S. Department of Labor, *The Effects of Immigration on the U.S. Economy and Labor Market*, Bureau of International Labor Affairs, Washington, D.C., May 1989, n.p.

¹⁰ *Immigration and Nationality Act*, 560.

¹¹ *Immigration and Nationality Act*, 561.

The Immigration Act of 1990 represented a major revision of the Immigration and Nationality Act. A primary focus was the numerical limits and preference system regulating permanent legal immigration and other aspects dealing with nonimmigrant, criminal aliens, and naturalization.¹² Employer sanctions is still a part of the Act. However, Asian Americans and immigrant rights organizations were concerned deeply about the fact that "sometimes an employer will only scrutinize workers who 'look foreign' and 'sound foreign' or who have different U.S. resident status. . . . Other types of discrimination include 'U.S. citizens only' rules and work paper confusion."¹³ This is illegal. Concerned that employers might apply the law "incorrectly or use it as an excuse to discriminate against minorities, in IRCA 1986 and the Act, lawmakers created anti-discrimination provisions to punish employers who discriminated against persons on the basis of national origin or citizenship."¹⁴ Ironically, one year later, "the General Accounting Office (GAO) and other groups documented widespread employment discrimination caused by employer sanctions."¹⁵

¹² *Immigration and Nationality Act*, 561.

¹³ Asian Pacific American Legal Center of Southern California, press release, 21 March 1991, 2.

¹⁴ Asian Pacific American Legal Center, 2.

¹⁵ Coalition for Humane Immigrant Rights of Los Angeles, press conference, 28 March 1991.

I am concerned that current immigration issues may again take the nation back to time of oppressive history. Unfortunately, current public debates on immigration matters are focused on unfounded fear and ignorance about its own national economic welfare.

Current Immigration Issues

The U.S. is a nation of immigrants. Today, however, I am deeply troubled by the current direction of U.S. immigration policy that appears to be heading toward overly zealous, xenophobic, and nationalistic mood trends that will cause again the oppressive effects on all immigrants and particularly certain ethnic and national population. In fact, blaming immigrants did not arise just today. Collectively, as a society in general, U.S. seems to be suffering from an acute condition of historical myopia that even denies its own history.

Recent trend that scapegoat immigrants has its beginning from a particularly unfounded perception that immigrants simply take economic resources and do not return anything to bolster the national economy. It really follows an argument, as used by Charles Pasqua, who quotes the statement by one-time socialist Prime Minister of France, Michael Rocard, "We cannot take all the world's miseries." This perception has its beginning from the faltering economy and recession that has taken devastating effects virtually around the world. Again, in France, on 10 June 1993, the Assemblée Nationale by vast majority, adopted Interior Minister Charles Pasqua's bill for tighter

controls to be imposed on immigration and immigrants.¹⁶ Basically, this bill authorizes random police controls up to 40km inside frontiers (previously 30km), and also at airports, docks, and road and rail terminals handling international traffic. Amazingly, a poll showed that 79 percent of the population support Pascua; they also wanted "automatic expulsion" of "illegal immigrant." Further, under this bill, when the two resident parents are foreigners, the offspring no longer automatically become a citizen. The young person must now apply him or himself to become a citizen. However, as serious crimes are in general, they lose all such rights if they have been in trouble with certain crimes. For drug offenses they will be deported; they then become stateless persons. Today, that kind of action, similar to that of France, is not too far away from the U.S. immigration policy.

The topic of immigration has become a deep concern as it came the political issue during the 1994 election year. This is not a new phenomenon; politicians know that

over the years, we have enacted legislation to restrict and control the entry of immigrants and foreign visitors. That legislation was last revised in 1965 and there is now an urgent need to review its adequacy [Recent 1986 and 1990 revisions are not reflected in this comment.]. For several years, we have experienced the consequences of a migratory wave impelled by an unprecedented population explosion . . . and lack of economic opportunity at home

¹⁶ "Immigration: Your Papers Please," *The News* [France], June 1993, 1.

. . . . We presently lack the means to adequately control that movement.¹⁷

Daily, I am aware that current immigration policy, for all practical purposes, provides no penalty for illegal immigration. In fact, operationally, it attracts illegal immigration. Because of laws, regulations, and judicial decisions, INS hands out thousands of work permits to anyone who arrives on U.S. soil and files a frivolous or fraudulent applications, sacrificing staff work hours that instead should be used to process the hundreds of thousands of persons. They stand in line legally trying to enter the U.S., to process citizenship applications, and to receive immigration service. Meanwhile, unscrupulous employers profit from the exploitation of undocumented aliens who must live a life of secrecy and threat constantly hanging over them. Further, while there are inherent systemic concerns, fraudulent document vendors and immigration "services" and "smuggling" activities become thriving businesses, targeting the same segment of people who can afford often the least to buy into such schemes of crime. At the borders, individuals apprehended by the Border Patrol are released and allowed to obtain work permits because INS lacks resources to detain and remove them justly from U.S. A nation which tolerates such condition to happen attracts and encourages illegal immigration.¹⁸ Yet, as long as the current policy

¹⁷ John E. Karakashian, "The Illegal Alien," report, Eighteenth Session, Senior Seminar in Foreign Policy, U.S. Department of State, n.p., n.d.

¹⁸ Donald B. Looney, letter to author, n.d.

remains intact, there will never be enough resources to prevent or to intervene effectively in the matter of illegal immigration.

In Los Angeles, following the 1992 Los Angeles civil disturbance, there were calls for a moratorium on immigrant admissions to allow for a reassessment of American entry policies on the premise that native-born minorities were hurt by the alien presence. However, the reality seems to be that there is a severe economic dislocations in the inner cities. "Immigrant bashing" merely provoked a legislative response.¹⁹ What has really changed is the cities themselves. "Undoubtedly, though, the most important cause of the rise in undocumented migration was the nation's continuing demand for low-wage, unskilled labor."²⁰ An article in the *Wall Street Journal* would include the illegal labor: "California's \$14 billion agriculture industry owed its harvest to illegal labor almost as much as to the sun and rain."²¹ Relating to the Los Angeles civil disturbance, "there seemed to be no direct link between the eruptions and immigration Korean stores were looted, but it would have made little difference had native whites owned the same businesses."²² While there are

¹⁹ Thomas Muller, *Immigrants and the American City* (New York: New York University Press, 1993), 11.

²⁰ Thomas Muller, 50.

²¹ Ronald C. Nairn, "We Need Not Fear Refugees," *Wall Street Journal*, 6 July 1984, 14, cited in Muller, 54.

²² Muller, 299.

opposing views, "data showing a substantial and growing black middle class that is scattered throughout Los Angeles and Orange counties need to be considered in order to assess the full effects of immigration on Southern California."²³

Since its inception in 1891, INS was influenced by periodic swings of American moods on immigration. According to the 1991 U.S. General Accounting Office report, INS "faces many challenges."²⁴ The report indicates that "INS needs strong leadership to balance the demanding roles of enforcement and service."²⁵ Its longstanding service delivery problems remain unresolved, i.e., "GAO found that despite a large increase in funds from user fees for adjudications and inspections, INS has not taken sufficient actions to address service delivery problems."²⁶ Further, INS "budget process and controls are deplorable, and its organizational structure "has produced increasing geographic fragmentation of programmic operations."²⁷ These are not easy set of problems to address as they did not occur overnight, and are interrelated problems that basically come from the U.S. immigration policy.

²³ Muller, 299.

²⁴ U.S. General Accounting Office, *Immigration Management* (Washington, D.C.: GPO, 1991), 2.

²⁵ U.S. GAO, 3.

²⁶ U.S. GAO, 5.

²⁷ U.S. GAO, 6-7.

The INS is basically "a product of U.S. immigration policy;" consequently, it has been moved around, divided, and rejoined in the government.²⁸ INS was first created as the Bureau of Immigration within the Department of Treasury. It then transferred to Department of Commerce and Labor in 1903. As the First World War began, immigration was tightly regulated; particularly heading toward the Second World War, primary functions of INS were "to combat alien criminals and subversive elements" which caused yet another move to the Department of Justice.²⁹ Although there is again some confusion, INS remains in justice today, i.e., overlapping of duties with the U.S. Customs.

In 1994, federal government have made commitment to "Accept the Immigration Challenge." The 1994 President's report on immigration indicates that "the Administration inherited serious illegal immigration problems, including 3.5 million illegal aliens residing in the country, uncontrolled movement across the Southwest border, alien smuggling, asylum abuse and State and local concerns about fiscal impact."³⁰ These are serious challenge. However, unilateral plan of action seems incomplete. Mexicans feel that they have valuable perspective on the matter.

²⁸ U.S. GAO, 16.

²⁹ U.S. GAO, 16-17.

³⁰ President, "Accepting the Immigration Challenge," *The President's Report on Immigration* (Washington, D.C.: GPO, 1994), v.

Mexicans feel that U.S. perceives immigration as a purely domestic problem which can be solved with unilateral action. They feel that U.S. has failed to see the Mexican perspective on migration to the U.S. and U.S. proposals to control the flow of immigrants.³¹ First, the U.S. preclude serious binational negotiations between two nations. The U.S. government consistently defines immigration as a "problem" which must be dealt with through enforcement and police action, i.e., to reestablish control of the borders through stepped up enforcement by the Border Patrol. The U.S. government justifies its action labeling undocumented workers as criminals because they have violated U.S. immigration laws. Mexicans do not seem to agree with this assessment.

Mexican views migration as resulting from the forces of labor supply and demand within the context of an international labor market. This view is the mostly widely held approach to the causes of migration, known as the "push-pull theories."³² They consist of a compilation of economic, social, and political factors "push" individuals to leave their native country or of a similar factors "pull" individuals to certain country. For example, refugee flows are frequently contrasted with labor

³¹ Leo R. Chavez and Jorge Carrillo V, "Mexicans View U.S. as Playing with Stacked Immigration Deck," *San Diego Union*, 15 April 1984, C3.

³² Alejandro Portes and Robert L. Bach, *Latin Journey* (Los Angeles: University of California Press, 1985), 3.

migration by noting the greater importance of "push" factors in the former.³³ At any rate, in the Mexican view, "the supply of labor from demand for labor emanating from the United States. Rather than labeling them criminals, Mexico views undocumented workers as merely responding to an economic relationship, with costs and benefits for both countries."³⁴ Lastly, Mexico argues that historically U.S. and Mexico have shared a special relationship, particularly, during the Second World War when the U.S. established the Bracero Program to replace U.S. workers lost to military service; this program proved to be a successful program.

Another immigration challenge comes from inherent problem within its own policy. For example, a part of the action requires aggressive policy towards crime. Thus, as a part massive efforts to defend "community security," it supports the program known as the Institutional Hearing Program (IHP). "The program identifies criminal aliens still in correctional facilities who are eligible for deportation once they have served their sentences. It allows INS to institute deportation proceedings while noncitizen prisoners are still serving their sentences, and upon release assume custody to promptly return them to their countries of origin."³⁵ I understand that crime is a

³³ Richard R. Fagen, Richard A. Brody, and Thomas J. O' Leary, *Cubans in Exile*; and Sylvia Castellanos, "The Cuban Refugees Problem in Perspective, 1959 - 1980, cited in Portes and Bach, 3.

³⁴ Chaves and Carrillo, C3.

³⁵ *The President's Report on Immigration*, 28.

serious problem. It harms individuals, destroys family, and breaks the fiber of social infrastructure. However, my concern is the sweeping effect on all "noncitizens." This effect on all immigrants in part is based on nation's mood swings. I believe that application of immigration law is in fact has more to do with public attitude toward immigrants as a whole, rather than on crime. Immigrants are members of the community in America. The public attitude towards immigrants reflects its action toward "criminal aliens;" it seems that they were never accepted as members of America. Details of the IHP application reflect such attitude against immigrants. For example, the IHP applies to a list of federal crimes. My concern is that all immigrants, regardless of legal and illegal status, are subject to this policy pertaining to the list of federal crimes. Again, I realize the seriousness of crime, and understand the statistics being used to support the program. However, the program deserves a closer scrutiny to protect and promote human rights, regardless of national status.

Accepting the immigration challenge in 1994, as set out by President Clinton's report, is a genuine response toward the notion of what is best for America. Over the past years, I have had the privilege to work with many caring and professional INS employees. They are not "evil." Many of whom are prior immigrants themselves, and have immigrant relatives to remind them the roots of America. Employees take pride in their jobs. Yet, there are employee problems. Some problems are serious. Annually, Amnesty International documents human rights violations that occur along

the border and elsewhere. Internally, U.S. Department of Justice, Office of the Inspector General (OIG), an oversight agency, and the Federal Bureau of Investigations (FBI) take reports of civil rights and criminal violations and investigate wrongdoings on the part of INS employees. Unfortunately, many cases have been documented through the OIG Semiannual Report to Congress. I believe that these incidents affect the internal operational culture within the agency. If the INS accepts the immigration challenge, then it should also consider ways to improve not only the systemic and operational problems, but also the dynamics of human resources.

Over the U.S.-Mexico border issue, while the U.S. approaches immigration as a domestic agenda (which is an issue of sovereign nation), Mexico sees the issue not as unilateral, rather, as an inherent bilateral issue. It requires the process of negotiation. Mexicans want to be treated with full respect of their human and labor rights.³⁶ On 4 October 1994, over a 27-month period, the INS has responded with the "Bi-National Study." It will analyze the nature, scope and consequences of migration between Mexico and the United States.³⁷ On a global level, as the world enters the twenty-first century, U.S. should understand that the nations have become increasingly interdependent in order to survive together, and that U.S. shares the global

³⁶ Jorge A. Bustamante, paper, "Mexican Transboundary: A Bilateral Approach to an International Labor Market Phenomenon," cited in Leo Chavez, *Immigration and Law*, (San Diego: San Diego State University, 1985), 9.

³⁷ U.S. Department of Justice, Immigration and Naturalization Service, News Release, 4 October 1994.

commitment to promote human rights and the sustainable development with its neighboring nations and the international community.

Immigration policy is not shaped by economic considerations alone. Economic Report of the President, transmitted to the Congress, February, 1986, indicates that "immigrants save, pay taxes, and consume public serves. . . examination of these economic issues is a necessary part of the broader analysis of immigration policy."³⁸ U.S., as a member of the international community, is increasingly dependent with other countries, and cannot afford to enforce immigration policy that is contrary to the standard of international community. I believe that the U.S. must be involved in the process of accepting the immigration challenge to move toward a holistic U.S. immigration policy. The U.S. should accept the fact that "this country has greatly benefitted from its immigrants for 200 years," said President Clinton. In his response to negative trends towards both legal and illegal immigration, President Clinton stated that he "sympathizes" with California Governor Pete Wilson's frustration and political agenda," but [he believes] we ought to take a different tack." Since this debate, California Proposition 187 (also known as SOS, the Save Our State initiative), which is designed to curb illegal immigration by cutting social benefits, became the political issue. Many people had a problem with the initiative. I too felt that it was just another

³⁸ President, *Economic Report of the President*, February, 1986.

blaming game to target particular segment people.³⁹ Heading towards the twenty-first century, I believe that immigration issues must be viewed from the holistic, interdependent, and human rights perspectives in a global context. Jürgen Moltmann refers that kind of perspective as "world-wide home policy."

Not "What good does it do my own nation, my own class and race?" but "What good does it do our common peace and the coming community of all mankind?" This is the question that must be asked in every political and economic decision. Solidarity in overcoming common economic and military world crises must take precedence over loyalty to one's own people, one's own class or race or nation. There can be no respect for human rights in one's own nation without the simultaneous alignment of the nation towards humanity. Human rights are single and indivisible. They cannot be a privilege.⁴⁰

I believe that the history of U.S. immigration policy should also be read from a global perspective. The immigration history should be reviewed closely again. I shall argue that U.S. immigration policy may have to begin from the stand point of human rights. This starting point comes from the margin, filled with oppressive human experiences, to the mainstream society.

Starting Point: Margin as Mainstream

This particular history of U.S. immigration policy begins with a different starting point. I begin with the voices of the marginalized groups of people. Hearing

³⁹ Peter Kim, letter, *Los Angeles Times*, 25 July 1994, B4.

⁴⁰ Moltmann, 181.

the voice of "marginalized" Asian-American experiences tells a different historical genre of U.S. immigration policy.

The Statue of Liberty in New York Harbor reminds America that it stands to symbolize an entrance to democracy, equality, and liberty to all newly arriving immigrants. However, not all immigrants experienced such promising invitation. "On another island, on the other coast, stands not a statue but a wooden barrack. Solitary figures hunch over to carve poems on the walls."

The sea-scape resembles lichen twisting and
turning for a thousand l.
There is no shore to land and it is difficult to
walk.
With a gentle breeze I arrived at the city thinking
all would be so.
At ease, how was one to know he was to live in a
wooden building?

In the quiet of night, I heard, faintly, the whistling
of wind.
The forms and shadows saddened me; upon
seeing the landscape, I composed a poem.
The floating clouds, the fog, darken the sky.
The moon shines faintly as the insects chirp.
Grief and bitterness entwined are heaven sent.
The sad person sits alone, leaning by a window.⁴¹

⁴¹ See Him Mark Lai, Genny Lim, and Judy Yung, *Island: Poetry and History of Chinese Immigrants on Angel Island, 1910-1940* (Seattle: University of Washington Press, 1991), 34, 52, cited in Gary Y. Okihiro, *Margins and Mainstreams* (Seattle: University of Washington, 1994), 3 - 4.

This poem, found on Angel Island, tells immigration experience of Chinese from 1910 to 1940. Angel Island was the main port of entry for Chinese Migrants at that time. There, the migrants were carefully screened by U.S. immigration officials; they were held for days, weeks, and months to determine their fitness for America. The 1882 Chinese Exclusion Act set the tone: "In the opinion of the Government of the United States, the coming of Chinese laborers to this country endangers the good order of certain localities within the territory thereof."⁴²

This voice is silenced. Instead, there is the "mainstream" version of the history of U.S. immigration policy. A U.S. government publication, known as *Immigration and Nationality Act*, indicates that "U.S. immigration policy has been shaped not only by the perceived needs of this country, but by the needs and aspiration of the immigrants themselves."⁴³ Further, regarding illegal immigration, Task Force on Illegal Immigration, a House of Republican Research Committee, proudly claims,

The United States has the most generous immigration policy in the world. We let more legal immigrants in than the rest of the world put together, Smith said [Chairman of the Committee]. We have no need to apologize for

⁴² The text of the 1882 Chinese Exclusion Act is quoted in Cheng-Tsu Wu, ed., *"Chink!" A Documentary History of Anti-Chinese Prejudice in America* (New York: World Publishing, 1972), 70 - 75, cited in Okihiro, 4.

⁴³ *Brief History of United States Immigration Policy*, report prepared by Congressional Research Service, cited in Congress, House, *Immigration and Naturalization Act*, 549.

cracking down on those who flaunt our laws by entering illegally.⁴⁴

However, no state or person has the authority to give permission to "let" immigrants in; that is inherent human rights. Human rights belong to all human beings. As we have seen in refugee cases, there are circumstances where there is no choice available, for refugees have no place to go. Emigration from a country is a basic human rights established by the Universal Declaration of Human Rights. The problem is that the right of immigration into a country, however, is not recognized in the international law.

Marginalized voices often become unintelligible, buried under the mainstream, "Eurocentric" perspectives of U.S. immigration policy. The history of U.S. immigration policy, I would argue, needs to include a broader and different historical perspectives to understand the affects of the policy from a Christian human rights perspective. Historically, the relationship between Eurocentric America and Christianity has resulted a devastating effects on human race. It seems that the development of U.S. immigration policy also did not escape from this type of relationship. I shall sketch the picture of Eurocentric America.

⁴⁴ Congress, House, Republican Research Committee, Task Force on Illegal Immigration, press release, "Gingrich, Task Force Unveil Illegal Immigration Reform Bill," Washington, D.C., 10 Feb. 1994.

Backdrop: Eurocentric America

In his book, Gary Okihiro traces history of Asians in American history and culture in that context, quoting Joyce Appleby in her 1992 presidential address to the Organization of American Historians, as "'America's peculiar form of Eurocentrism'--an exceptionalism that defines and affirms a people by negating others, who form their opposition." Okihiro writes,

New parochialism abound in the land The eighteenth-century idea that America represented a break from the European monarchist asylum, declared Appleby, served to unite the disparate colonies against a common foe, but it was also presented as a natural law and universal truth by which others were measured. Similarly, the new parochialism of the late twentieth century offers an adhesive, this time for a fracturing state bursting at the seams with an apparent excess of diversity.⁴⁵

Okihiro argues that, proclaiming union on the basis of race, language, and culture, these new parochialists (Eurocentrists) have worked to counter the perceived threat of nonwhite "racial tribes" and to stifle dissenting voices from within their own ranks--of women, workers, lesbians and gays, and those who would contest the dominant order. For those Eurocentrists, underlying theme is about returning to their notion of a simpler past. Citing both Allan Bloom and Arthur M. Schlesinger, who make the

⁴⁵ Joyce Appleby, "Recovering America's Historic Diversity: Beyond Exceptionalism," *Journal of American History* 79 (1992): 420, cited in Okihiro, 148.

following point in their books, *The Closing of the American Mind* and *The Disuniting of America*, respectively, Okihiro writes:

Eurocentrists wax nostalgic for the apparently simpler past: when Egypt was a part of Mediterranean civilization, when Western culture formed a national consensus. Despite the historical ebb and flow of competing flow of competing ideologies about America's national character--from the ideals of assimilation to those of pluralism, from homogeneity to heterogeneity, from singularity to diversity--there is, wrapped within that exceptionalist longing for a simpler past, a persistent and pervasive notion about American history and culture: the idea of unifying mainstream, embraced in the motto, "Out of many, one" and in John Jay's definition of America [written in *Federalist* papers], "one united people . . . descended from the same ancestors."⁴⁶

Okihiro believes that this pervasive notion of American history is steering the ship of state "toward the mainstream, toward the central values of the nation, toward the bedrock foundations, [that] holds, "for those latter-day restorationists, a return to better times." I am convinced that U.S. immigration policy was also shaped by that historical backdrop. There is a strong correlation with such understanding and "the myth of innocence."⁴⁷ This is an inherent problem in the immigration policy. How did this

⁴⁶ See Allan Bloom, *The Closing of the American Mind* (New York: Simon & Schuster, 1987) and Arthur M. Schlesinger, *The Disuniting of America* (Knoxville, Tenn.: Whittle Direct Books, 1991), cited in Okihiro, 149.

⁴⁷ This idea is based on the biblical scholarship of Burton Mack. See Mack, *A Myth of Innocence* (Philadelphia: Fortress Press, 1988), 373.

myth weave into American culture? From a biblical-anthropological perspective, Burton Mack raises this important question.

A Biblical Plot: American Quest for a Myth of Innocence

Notwithstanding his biblical scholarship, Burton Mack is concerned deeply about the adverse apocalyptic effects of a biblical plot on our society that come from the paradigm of combination of myth of American innocence and power. In his book, *A Myth of Innocence*, Burton Mack argues that the Gospel of Mark is Christian charter document that sets the path of entire Christian history. The gospel is the beginning of "a myth of innocence that separates those who belong to the righteous kingdom within from those without."⁴⁸ For Mack, Americans have lost their innocence for some time. Yet, unwilling to join the human race, America continues with this social vision to lead the way, subscribing to an "apocalyptic" mentality. Mack believes that "the posture that [Markan legacy] has been taken in Washington is rather to rekindle the American myth and stubbornly proclaim that it is still true. He cites Scott Johnson to point out that the American myth has taken the form of the desire to be "the innocent redeemer of the world." Opening paragraph of Johnson's article describes the point this way:

The image of American innocence is central to our country's consciousness. It is the leitmotif of Aaron Copland's "Appalachian Spring" and George Gershwin's "An American in Paris." It tints the primitive landscape of Grandma Moses and the folksy allegories of Norman

⁴⁸ Mack, 372.

Rockwell. Writers such as Mark Twain title us "Innocents Abroad," while Henry James calls us "Daisies" that wither and die when moved to foreign soil. "We are," in our own eyes, Niebuhr says, "the most innocent nation on earth."⁴⁹

Again deeply concerned about this quest for innocence and its devastating effects in the world, Mack claims that this "tale has been told in Southeast Asia, Vietnam, the Middle East, Chile, and the Caribbean. It is now being told in Central America, a pathetic example of irrational reaction to messianic failure." To explain why America should not repeat this U.S. history, Johnson is again quoted:

But we are not always the bearers of divine beneficence, and our dreams are often tangled with our nightmares. Our eyes have seen the glory of the coming of the Lord, but they have also seen our Shilohs, our Wounded Knees, Dred Scotts, Nisei, Dresdens, Hiroshimas and My Lais, event that, though they've changed the fate of man, are surely closer to damnation than a glimpse of future earthly paradise.⁵⁰

This Christian foundation, the Markan legacy, appears to have served as a moral foundation for the Eurocentric mainstream America. Yet, this "Christian America" coded as "Judeo-Christian America" exploit confusion in which it appeals to nostalgia for a Golden Age when a Little Red School House and a Little White Church controlled

⁴⁹ Scott Johnson, "'Star Wars' Trusts in Our Innocence, Not Our Nightmares," *Los Angeles Times*, 7 May 1985, n.p., cited in Mack, 371.

⁵⁰ Mack, 374.

the values of "sameness" in communities.⁵¹ In view of Mack, the modern Markan Christian ethics does injustice by harmonizing the horrible historical sounds of cacophony to justify some of the American failures.

In his conclusion, Mack states that "future for the world can hardly be imagined any longer, if its redemption rests in the hands of Mark's innocent son of God." In other words, "neither Mark's fiction of the first appearance of the man of power, nor his fantasy of the final appearance of the man of glory, fit the wisdom now required." For Mack, Hiroshima and the holocaust belong together, for they mark the beginning of the last forty years of its innocence, its horrors, and its loss. It is enough.⁵²

I believe that ironies of innocent America exist today. Diversity in religions and cultures continues to grow; yet, the notion of pluralism is unattractive to those who are losing status as dominators of a culture. If U.S. immigration policy is the "charter" document of the national immigration culture, then it has also gone awry as the ironies of America took over the agenda in its worst shape. A new paradigm is necessary. U.S. immigration policy needs to be concerned with interrelated, international issues on a global scale. Yet, the drawing line is not that clear.

⁵¹ Marty, 3.

⁵² Mack, 375 - 76.

A Challenge: Refugees

Paul Tillich, in a self-portraited autobiography, saw both "destiny" and "freedom" as the German exile in America.

The boundary between native land and alien country is not merely an external boundary marked off by nature or by history. It is also the boundary between two inner forces, two possibilities of human existence, whose classic formulation is the command to Abraham: "Go from your home . . . to the land that I will show you." He is bidden to leave his native soil, the community of his family and cult, his people and state, for the sake of a promise that he does not understand. The God who demands obedience of him is the god of an alien country, a God not bound to the local soil, as are pagan deities, but the God of history, who means to bless all the races of the earth.⁵³

This is a dialectical view of prophetic religion that allows for more change and rearrangement in human affairs. "It allows for the love of hallowed ground and homeland but also calls for exodus and exile to a land of promise." For Tillich, his own attachment to his native land "in terms of landscape, language, tradition, and mutuality of historical destiny" was so instinctive that it did not even deserve special attention.⁵⁴ Most refugees and immigrants would share Tillich's view. They might have sung Psalm 137:4: "How shall we sing the Lord's song in a foreign land?"⁵⁵

⁵³ Paul Tillich, *On the Boundary* (New York: Scribners, 1966), 91f, cited in Marty, 223.

⁵⁴ Marty, 223.

⁵⁵ Marty, 226.

Envisioning a future of simple homogeneity to "happy days" of the past America would be naive. In the spring of 1980, the unclear drawing line became the framing issue of illegal immigration. For U.S. government, the 130,000 Cuban refugees arriving in Florida symbolized "exodus" from the oppressive Cuban regime, where it played a role in the complications of the cold war, foreign policy, and immigration policy after 1945. "If the government gave these newcomers immigrant status, why not Mexicans, Haitians, and other who came without visas" Over 10,000 undocumented Haitians resided in the same state; their case for asylum was being pleaded by voluntary agencies and fought in the courts."⁵⁶ It was not simply a question of legal status. The mainstream America expects its social vision reflecting in U.S. immigration policy. Sadly, "for some peoples, such as those in Africa, it was still difficult to get into America; for many "refugees," like black Haitians, the road was not easy. The policy, altered from the rigidity of the 1920s, was still alive."⁵⁷ However, refugee issues will not simply go away. (I shall discuss more on this issue in Chapter 5, under global perspective). As a moral community, Christian America struggled with the sanctuary movement. For certain faith communities, sanctuary movement represents a expression of faith in God as they join with human solidarity.

⁵⁶ Reimers cited in Chiswick 52.

⁵⁷ Reimers, 53.

Christian Response: Sanctuary Movement

From a Christian human rights perspective, sanctuary movement is the offering of protection to political refugees, particularly Central Americans, denied asylum by the U.S. government.⁵⁸ This movement is not a juridic entity; therefore, it provides no safeguard for the participants. It leaves much of gray areas at its margin. Yet, the core of movement is consistent with the international human rights law. Article 27 of the International Covenant on Civil and Political Rights indicates,

In those States in which ethnic, religious or linguistic minorities exist, persons belonging to such minorities shall not be denied the right, in community with the other members of their group, to enjoy their own cultural, to profess and practice their own religion, or to use their own language.⁵⁹

This is not only a requirement of modern international law, but also a social-vision of the world. It is about human rights. Unfortunately, it is not yet a reality for all.

Concepts of Sanctuary Movement

Sanctuary is a human being. In fact, for Eli Wiesel, from his Jewish tradition, any human being is a sanctuary. Eli Wiesel is a Professor in the Humanities and Religion at Boston University. He is also a survivor of Auschwitz and Buchenwald, and for many years a stateless person; he is recognized as the leading historian of the

⁵⁸ Gary MacEoin, "Appendix: Resources on Beginning and Maintaining Sanctuary," Gary MacEoin, ed., Sanctuary (San Francisco: Harper & Row, 1985), 198.

⁵⁹ United Nations, Human Rights, 28.

Holocaust.⁶⁰ For him, sanctuary is accorded to human beings as God dwells in human beings. Wiesel claims that "any person, by virtue of being a son or a daughter of humanity, is a living sanctuary whom nobody has the right to invade."⁶¹ Eli refuses to accept labels given to those who come to U.S. as "refugees" as aliens, particularly "illegal aliens." For him, no human being is illegal; that is contradiction in terms. He says, "human beings can be beautiful or more beautiful, can be right or wrong, but illegal? How can human being be illegal?"⁶²

Sanctuary is also about providing safe haven for our neighbors in need. These are the conditions of our neighbors, known as refugees and U.S. asylum seekers from Central America:

The primary refugee generating countries are Nicaragua, El Salvador, and Guatemala, all of which have experienced internal conflicts and severe economic hardships, particularly since the early 1980s. . . . The economic and political situations in Nicaragua, El Salvador, and Guatemala are different, yet all three countries have difficulties with armed conflicts within their borders, extensive economic and social inequities, and the existence of human rights violations.⁶³

⁶⁰ MacEoin, 217.

⁶¹ Elie Wiesel, "The Refugees" cited MacEoin, 9.

⁶² Elie Wiesel, 10.

⁶³ Congress, House, Subcommittee on Immigration, Refugee, and International Law, Committee on the Judiciary, statement by Nancy R. Kingbury, "Refugees and U.S. Asylum Seekers from Central America," 1989, 2.

By 1982, having the churches as moral witness, the Sanctuary Movement was initiated when the U.S. government refused to provide legal protection for refugees.⁶⁴ This is in an effort not only to help refugees facing deportation, but also to dramatize publicly the moral dilemma, of allowing refugees, to be returned to a violent situation.

Unfortunately, persons involved in the Sanctuary Movement were prosecuted by the U.S. government. On 14 January 1985, INS moved to prosecute sixteen North American sanctuary workers, Sanctuary communities perceived that they "were involved in an event that was truly a *kairos* ('opportune time') in the deepest sense of that Greek word."⁶⁵ This provided a new working definition of the word, sanctuary, in which it is "the beginning of authentic solidarity."⁶⁶

Theologically and biblically, Christians felt mandated in faith to provide sanctuary to refugees. The sanctuary movement is not a formal national organization; it does exist, however. While the notion of movement is interpreted differently for different groups, there are hundreds of organizations involved in the sanctuary movement. Some Christians have made their church as "inn" to which the Good Samaritan of Luke, 10:30-37, carried the injured in need. For others, sanctuary is a

⁶⁴ *Seeking Safe Haven* (New York: Church World Service Immigration and Refugee Program and Lutheran Immigration and Refugee Service, n.d.), 13.

⁶⁵ Herb Schmidt, "Preface," cited in MacEoin, 3.

⁶⁶ Karen Lebacqz, "Paul Revere and the Holiday Inn," cited in Nelle G. Slater, ed., *Tensions Between Citizenship and Discipleship* (New York: Pilgrim Press, 1989), 112.

humanitarian expressions loving their neighbor as themselves. In sum, Christian interpretation meant the following: (1) to work for change in U.S. policy which they believe to be in violation of the United Nations Charter, international law and the laws of the U.S. and (2) to assist the victims of U.S. policies.⁶⁷

Recommendation

Report and recommendation of the World Council of Churches indicates that "the churches have a clear biblical mandate (Luke 4:18-19, Matthew 25:31-46) which requires from us an active commitment to the poor and oppressed of our world. The church must continually strive to be faithful to this mandate, working tirelessly towards peace, justice and human dignity."⁶⁸ Further, it indicates that non-governmental organizations and the churches in particular do not always share governments' evaluations of the conditions, and that these evaluations carry far greater weight in making positive or negative determinations than do the refugees' expressed motivations for flight. Therefore, the Consultation:

- (1) Affirms the United Nations convention definition of refugee and urges a broad interpretation;
- (2) Recognizing that the United Nations Convention definition does not cover all those in need of protection,

⁶⁷ "Why is there a Sanctuary Movement?" pamphlet, Jesuit Refugee Service/USA, Washington D.C. August, 1986.

⁶⁸ World Council of Churches, "Protection of Asylum Seekers in Western Countries," Report and Recommendation of the World Council of Churches Consultation, Niagara Falls, Ontario, Canada, 15 - 18 May 1984, 17.

and underlining the importance of the General Assembly resolutions and the Organization of African Unity Convention regarding displaced persons in refugee-like situations and victims of civil strife,

(a) Urges governments to act in accordance with the spirit of these resolutions and this Convention by providing adequate and appropriate protection to these persons.

(b) Recommends that the churches consider means to bring to the attention of the international community, through national governments and the United Nations High Commissioner for Refugees, the necessity to update and codify the General Assembly resolutions passed during recent years, and consider the possibility of an additional protocol to the 1951 convention relating to the Status of Refugees.

(3) Recognizing the phenomenon of temporary refugee, recommends that an in-depth study of questions and problems of temporary protection be undertaken with a view to providing the churches with guidance so that they can formulate a policy to respond to the need.

(4) Continuing to struggle with the need to make a distinction between (a) those who require protection and (b) those who migrate for a variety of reasons but who can still avail themselves of the protection of their own government, recommends that churches engage cooperatively in studying the complex global phenomenon of migration, using this distinction to guide them in defining their responsibilities towards both groups.⁶⁹

The "sanctuary movement" is active. Certain activities relating the movement is illegal -- those illegal activities are enforced, and they carry the charges of felony. For the

⁶⁹ WCC, "Protection of Asylum Seekers," 17 - 18.

churches, the past experiences are still remembered. In fact, the Ninth Circuit held the prosecutions to be justified by the government's "compelling interest in policing the borders." Sadly, the history of government regulation of the sanctuary movement is a story of politics and personalities. For now at least, a claim of individual conscience will rarely weigh heavy enough to overcome a "legitimate state interest," and those who dare to act upon their conscience must expect to pay the price.⁷⁰

For the churches, however, although the government prevailed in the courts, it has by no means given up the cause. The churches continue to support the movement. Rev. John Fife, who was convicted, heads the Presbyterian Church (U.S.A.) as its moderator.⁷¹ Meeting in New Orleans, Louisiana, the National Council of Churches of Christ in the U.S.A. continues to stand against "The Anti-Immigrant Backlash": it asks the churches, in part, "to continue their service to individual refugees arriving in this country by encouraging congregations to sponsor or otherwise support and befriend refugees in their communities and to seek out and welcome immigrants, regardless of

⁷⁰ Robin Johansen and Kathleen Purcell, "Government Response to the Sanctuary Movement," in *The Role of Government in Monitoring and Regulating Religion in Public Life*, James E. Wood, Jr. and Derek Davis, ed., (Waco: J. M. Dawson Institute of Church-State Studies, Baylor University, 1993), 161 - 171.

⁷¹ "Presbyterians Elect Activist Pastor as National Leader," *Los Angeles Times*, 6 June 1992, B5, cited in Johansen and Purcell, 174.

race, nationality or ethnic origin who live in the midst and to support the work of the Church World Service Immigration and Refugee Program"72

For Christians, God calls to welcome strangers into the community of faith and to offer protection to those who fear for their lives. For Christians, just as various experiences of human suffering become the process of theological-ethical perspective, the formulation of immigration policy also starts with solidarity with human sufferings. This belief is ideal and certainly not very popular. Yet, Christians live by faith, not by sight. I have discussed in the preceding chapters Christian human rights perspective, particularly in the areas of U.S. immigration policy. I believe that the notions of Christian human rights perspective and standards of international human rights law should be collaborated with U.S. immigration policy. I shall discuss issues of Christian leadership and human rights next.

⁷² National Council of Churches, "The Anti-immigration Backlash," report delivered at General Board meeting, New Orleans, Louisiana, 10 - 12 Nov. 1994.

CHAPTER 5

Conclusion: Christian Leadership and Human Rights

This chapter emphasizes the need for Christian leadership in the area of human rights. Admittedly, the notion of "leadership is difficult to define."¹ It is thus a bit like the proverbial elephant examined by blind-folded explorers. Each feels a different part -- the foot, the ears, the tusks -- and consequently each describes the beast differently -- gnarled and tough, thin and supple, smooth and hard. The elephant itself, i.e., leadership, is not encompassed by any of the individual descriptions. At times they seem incompatible. And yet each contributes something to its definition.² Equally difficult task is to describe individual leadership style and the accomplishments. This chapter explores topics on the state of leadership today and leadership from a Christian perspective. I shall discuss specific areas to move toward holistic U.S. immigration policy. Specifically, U.S. immigration policy is evaluated in light of the refugee standards of international human rights. I shall next suggest the concept of human rights ministry, emphasizing human rights perspective of solidarity and recommendations from the Lawyers Committee on Human Rights. In conclusion, I call for Christian leadership involving actions to promote peace with justice.

¹ Lovett H. Weems, Jr., *Church Leadership*, (Nashville: Abingdon Press, 1993), 15.

² Lebacqz, *Six Theories of Justice*, 9. I have taken the illustration from this text by Lebacqz.

State of Leadership Today

Lovett Weems, Jr., quotes *Time* magazine which in November 1987 asked, "Who is in charge?" The magazine responds to its rhetorical question; "the nation calls for leadership, and there is no one home." Weems also cites Robert K. Greenleaf who says, "the leadership crisis of our time is without precedent."³ In 1993, the situation has not improved. *Time* (International) magazine again echoed the same sentiment in the global and political context: "What happened to leadership? Where have all the leaders gone?" Jean Lacouture, one of France's foremost historian, says, "in the history of the world, I cannot think of a period where there have been so few great leaders. Are they here and we are not aware of them?"⁴ He doubts it. Today, the state of leadership is in desperate situation.

This is a vicious rhetorical, cyclical principle at work. "It's sort of political Peter Principle at work, where people are being promoted upward because there seems to be nobody else available," says Morton Abramowitz, president of Washington Carnegie Foundation and a former Assistant Secretary of State under President George Bush.⁵ Regardless who or what it is, a germane point to draw from the current state of leadership seems to be a "global growing gap" between people and the leadership.

³ Weems, Jr., 19-20.

⁴ James Walsh, "Where Have All the Leaders Gone?" *Time* (International), 12 July 1993, 13 - 17.

⁵ Walsh, 14.

Given this kind of desperate situation, I shall turn to actions of Christian leadership that arose from their concrete situations.

Leadership: A Christian Perspective

What kinds of leadership styles make a difference on the planet earth? Focusing on various global issues in the context of ministry, such question was proposed by Robert Edgar, President of School of Theology at Claremont, to stimulate and broaden the perspectives of theological students.⁶ For Edgar, Christian leadership should ask such question. In fact, this view is consistent with Paul Kennedy's way of preparing for the twenty-first century. "Given the array of [global] problems, it may seem that our merely human political leadership has no chance of doing much; that instead we ought to brace ourselves for a continuation of jolts and jars and smashes in the social life of humanity"⁷ Paul Kennedy predicts, "Yet it may still be possible for intelligent men and women to lead their societies through the complex task of preparing for the century ahead."⁸ Kennedy believes preparing for the twenty first century is not

⁶ Robert Edgar, "Global Context in Ministry," course lecture, School of Theology at Claremont, Calif., 30 Oct. 1993.

⁷ Paul Kennedy, *Preparing for the Twenty-first Century* (New York: Random House, 1993), 348. Kennedy points out that "since most politicians. . . have risen to the top through a process of compromise, making deals and alliances, and taking care not to annoy powerful interests, they are hardly prepared to endorse controversial policies now for purported benefits twenty years away."

⁸ Kennedy, 349.

just about "new world order;" but a troubled and fractured planet, whose problems deserve the serious attention of politicians and publics alike.

In short, preparing for the twenty-first century, the Christian leadership style must be able to recognize that the world is in the state of increasingly interdependent and transnational condition which also faces complex set of problems. In solidarity with those concerns, church leadership should include such "essential elements" as vision, team, integrity and culture.⁹ I shall explore a few important leadership elements that place issues in context.

Servant-leadership

Leadership is an art. Max DePree, Chair and CEO of Herman Miller, Inc., has written a book called *Leadership is an Art*. In principle, he thinks that "leadership is much more an art, a belief, a condition of the heart, than a set of things to do."¹⁰ Thus, he orchestrates the visions of team work and "servant-leadership." DePree asserts to fill the void in human relations, i.e., the need for honest and open communication. He says, "everyone has a right to, and an obligation for, simplicity and clarity in communication. We owe each other truth and courtesy, though truth is sometimes a real constraint, and courtesy inconvenient."¹¹ Leadership is to seek

⁹ Weems, Jr., 36.

¹⁰ Max DePree, *Leadership is an Art* (New York: Doubleday, 1989), 136.

¹¹ DePree, 92.

inclusive, shared vision. At a community spirituality leadership conference, I had an opportunity to discuss issues on leadership with Max DePree; he has convinced me that leadership is indeed an art, and that the vision of servant-leadership is from the heart.¹² For me, Max DePree has a passion for leadership. I believe that the vision of servant-leadership includes the actual practices of solidarity-leadership. From a global perspective to the local, after the "1992 uprising in Los Angeles," servant-leadership in action particularly meant to open and honest communication to play the "Politics of the Spirit."¹³

"Politics of the Spirit"¹⁴

An effective leader knows which role is appropriate under exigent circumstances. The notion of leadership is never fixed and static, but is fluid and dynamic.¹⁵ Particularly, at the time of crisis in Los Angeles (April 1992), this kind of role shifting of leadership had occurred among various community "leaders" of all

¹² Rated by *Fortune*, Herman Miller, Inc., experienced the fastest financial growth among the magazine's 500 ranks.

¹³ John B. Orr et al., *Politics of the Spirit* (Los Angeles: University of Southern California, 1994), 1. "Many of the clergy and lay religious leader that [were] interviewed insisted that the events of April 26, 1992 should be viewed as a rebellion against the verdicts delivered in the Rodney King trial. A few preferred to use the term uprising, because they believed that 'rebellion' inaccurately implied that a broad-scale racial war had been ignited. Others used the terms, 'riot,' 'uprising,' and 'rebellion' interchangeably." I agree that the naming of an event is itself a political act.

¹⁴ I have taken the title of this section from the report by Orr et al.

¹⁵ Weems, Jr., 74.

types of professionals to aid the victims and to voice against violence. Shifting the roles by leaders themselves imply the crucial aspect about leadership; leadership involves the heart in solidarity with people.

Leadership involves the change of one's heart. The 1992 Los Angeles "civil unrest" has moved people that passive acceptance of unjust situation will not restore peace and justice. The "riot" had begun. Immediately, it was time for intervening work as government officials lost control of the situation. Reverend Cecil Murray of the First African Methodist Episcopal Church instantly emerged, and spoke "out of memories of the 1965 Watts riots, with the demeanor of an individual who was skilled in the making of media events. . . ."

Murray expressed frustration concerning the fundamental conditions that had kindled the night of fires. And then, in the spirit of the religiously-inspired American civil rights movement, with which he had long been associated, Murray invited the citizens of Los Angeles to join together in acts of reconciliation and healing.¹⁶

It seems that there is the dialectical relationship between peace and justice. The balancing approach never seems to come easy. There were other self-appointed leaders. For them, responding to the crisis for the oppressed was a risky business.

Silent sobs. The women, all immigrants since 1970, tell the story of leaving Korea to start anew. Ranging from their early thirties to their eighties, many of them left comfortable lives in Korea to give their children a shot at

¹⁶ Orr et al., 1.

making it in America. Addressing the camera three months after the riots, the women still seem numb, suggesting that their problems have only just begun to sink in. 'We made the movie in a kind of desperation,' says filmmaker Dai Sil Kim-Gibson [and co-film maker Elaine Kim], who borrowed \$20,000 to shoot *Sa-I-Gu*. "Korean Americans are individuals with roots and a history. We wanted to give them a voice."¹⁷

Elaine Kim, a professor at University of California, Berkeley, and the board president of the Korean Community Center in Oakland, California, has taken another leadership role. She writes from Korean women's perspectives to voice out "the most silenced and invisible people in the disaster, people who also happened to be the ones most directly affected: the immigrant women in the very eye of the storm."¹⁸ From the position of an academic professor to virtually a "full-time" community activist in time of crisis, she responded to a contingency call, and shifted her leadership role to take part in the role of passion-leadership for justice and love. This is "a condition of the heart." Since the publishing of various articles, via the main stream media, she has received many personal threats of violence to attack her physically and professionally. In my opinion, this kind of leadership is an act of solidarity in which it centers the needs of one's own community.

¹⁷ Eric Schine, "Koreans: Riot Casualties the World Doesn't See," *Business Week*, 12 April 1993.

¹⁸ Elaine H. Kim, "Creating a Third Space," *San Francisco Bay Guardian*, 10 March 1993, n. pag.

Religious Leaders and Environment

Solidarity issues are also alive in the area of interreligious dialogue. I believe that Christian leadership also means to recognize the notion of interdependency and shared-leadership to address common environmental issues. In April 1994, moving toward an interreligious dialogue, the American Jewish Committee convened a nationwide leadership conference for Catholic, Jewish, and Protestant seminaries to discuss religion's role in preserving the environment.¹⁹

Envisioned by Msgn. Royale M. Vadakin and Rabbi Alfred Wolf, the hope of the conference had a short phrase to open itself to powerful experience: "We hope that the ideas discussed here will not only enrich our personal lives but will influence the training of America's future ministers, priest, and rabbis."²⁰ During the conference, Gerald Barney of the Millennium Institute presented his report, "Global 2000 Revisited: What Shall We Do?" to the Parliament of the World's Religions. This report placed the critical issues of the twenty-first century into a framework relevant to today's spiritual leaders. He asked to consider our human identity in terms of this planet. "I don't think my faith, Christianity, is a sustainable faith religion at present

¹⁹ "Religion's Role in Preserving the Environment," A Nationwide Leadership Conference for Catholic, Jewish, and Protestant Seminaries, sponsored by Skirball Institute at Center for Development in Ministry, University of Saint Mary of the Lake, Mundelein, Ill., 18 April 1994.

²⁰ Msgr. Royale M. Vadakin and Rabbi Alfred Wolf, "Religion's Role in Preserving the Environment," A Nationwide Leadership Conference, 18 April 1994.

. . . you see, humans are part of the whole community of life. We are the Earth. We are like a wave that comes up from the Earth -- it's the carrots and potatoes and everything we eat that we're part of. And in 70 years or so we go back to that Earth . . ."²¹ Still, during this conference, religious leaders were given awesome task to consider state of the world 1995 and to challenge themselves to envision what they can do locally to make differences on the plant earth.²² Human solidarity means that all of human beings and their religions must also join together with nature.

Korean Immigrant Church

In Korean immigrant church context, leadership also involves an act of solidarity among Korean churches. For Yoon Sung Chang, a first generation Korean pastor and Christian radio talk-show host, leadership means to be in solidarity, living with and ministering to Koreans Americans in the United States. For the past 20 years, he has insisted that Korean-Americans need to establish immigration theological identity.²³

Assimilation is an attempt to become over-westernized and reject one's own ways; conversely, unassimilation is to remain allied to the values of own cultures, entirely

²¹ Gerald Barney, "Global 2000 Revisited: What Shall We Do?," paper presented at Nationwide Leadership Conference, 18 April 1994.

²² Robert Edgar, "Exercise: State of the World 1995," presentation at Nationwide Leadership Conference, 18 April 1994.

²³ Yoon Sung Chang, *Marital Problems among Korean Immigrant Families with Implications for Ministry*, (Arleta, Calif.: Han Yang Presbyterian Church, 1986), 175.

rejecting the western culture. However, assimilation with a core is an attempt to move away from the dichotomy in which it offers to integrate aspects of both cultures which one believes are functions to own self-esteem and identity."²⁴

Therefore, he promotes his own version of "immigration theology." His starting question is, "why did God call us to this land of marginality?"²⁵ Pastor Chang's starting point is "here and now," then, he moves toward the eschatological expectation. For him, biblical characters represent solidarity that cause changes in their life situations. Twenty years ago, Pastor Chang initiated the Korean-American Presbytery called the "Hanmi Presbytery," Presbyterian Church (U.S.A.). In essence, the Hanmi Presbytery is now a permanent Presbytery for Korean American in the western region. In his church, through team work of the church leadership, the parish operates a non-profit Korean language school for children and youth in the vicinity of San Fernando Valley, CA. Pastor Chang maintains solidarity and identity issues in tact as a theological issue. He carefully integrates the traditional spiritual and social issues as a part of his Christian leadership traits to promote solidarity issues alive in the church.

Generally, for Koreans in America, Christian churches have become the most important community organizational focal points, providing a variety of social,

²⁴ Chang, 177.

²⁵ Chang, 177 - 178.

economic, and psychological functions.²⁶ It seems that many Koreans find church as the principal place of social activity. "They make friends at the church gatherings, exchange information on jobs, businesses, social service benefits, schooling, and form the close support network necessary to cope with the conditions of immigrant life. Rotating credit system is often organized among church members."²⁷ Further, for certain Koreans, the church serves as a place where they regain social symbols of authority and status. "In the outside, selling groceries and beer, a Korean immigrant with a college degree is nobody. In the church, by becoming a member in the choir, a deacon, or an elder, he is somebody with recognition, respect, dignity, and authority."²⁸

However, while the church is the most powerful social organization in the Korean community, it tends to reinforce overly the ethnic solidarity, and thus isolates itself from the mainstream. Further, the community's limited financial resources are considerably diverted to the churches through various forms of offering.²⁹ Yet, I agree

²⁶ Ilsoo Kim, *New Urban Immigrants: The Korean Community in New York* (Princeton: Princeton University Press, 1981), 208, cited in Eui-Young Yu, "Critical Issues of the Korean Community in the Future," paper presented at the United Way, Metropolitan Region, Koreatown 2000: A Community Services Planning Conference, Los Angeles, 10 Dec. 1988.

²⁷ Yu, 17.

²⁸ Yu, 18.

²⁹ Yu, 19.

with Eui-Young Yu that Korean churches have not returned their proper share to the community's many needs. "The Korean church remains largely self-serving." It has been less than adequate to extend help to its non-Korean as well as Korean neighbors outside the church."³⁰ For Korean immigrants, especially for women and the elderly, the church plays an important communal network in America. The Korean church should also broaden its base for "social responsibility," and provide programs to develop future leaders for the second generation Koreans to relate meaningfully."³¹

In sum, preparing for the twenty-first century, Christian leadership must view issues in the context of broader and global dynamics of interdependent, transnational world. Leadership still is difficult to define, and the proverbial elephant is still on the loose. However, as cited above, the notion of Christian leadership in concrete actions can and do impact human beings in positive ways. It calls for the arduous task to orchestrate an inclusive leadership, to provide passionate leadership, and to be in solidarity with people and nature on the planet earth.

Towards Holistic U.S. Immigration Policy

Juxtaposing various models of solidarity-leadership with the issues of human rights and theological perspectives, I am adapting the following four basic assumption,

³⁰ Yu, 19.

³¹ Yu, 20.

used by the Lawyers Committee on human rights, to guide the development of U.S. immigration policy from human rights perspective.³²

(1) It is the U.S. national interest for human rights issues to be afforded a higher priority and given greater attention in the foreign policy [and U.S. immigration policy] decision making process.

(2) U.S. human rights policy [and immigration policy] should be based on internationally recognized laws and norms. We urge, as a matter of high priority, that the U.S. ratify five human rights treaties, including two core instruments, the International Covenants on Civil and Political Rights and on Economic, Social and Cultural Rights. . . .

(3) The legitimacy and effectiveness of any nation's human rights policy [and immigration policy] stem from their application of such policies, according to universal standards. They need to be considered in the same manner regardless of whether the country under scrutiny is an ally or an adversary. . . .

(4) Multilateral approaches to human rights [and immigration] problems are preferable, and a higher priority needs to be assigned to strengthening multilateral institutions which address these issues.

Recently the topic of immigration has received a tremendous media and political focus to understand various issues regarding control of the borders and illegal immigration.

³² Lawyers Committee for Human Rights, *Human Rights and U.S. Foreign Policy* (New York: Lawyers Committee for Human Rights, 1992), 3-4.

It seems that the issue will not go away for awhile.³³ However, as I have described the issue in Chapter 4, immigration related problems in the U.S. have not risen in isolation. The genre of immigration tells complex, interrelated stories of all kinds in the world. The U.S. must understand that nations in the world have become increasingly interdependent in order to survive together, and that it must refuse to accept a simple, quick-fix set of solutions to curb illegal immigration or to resolve immigration issues unilaterally as a domestic agenda. The above assumptions are important legal steps toward holistic immigration policy.

The Lawyers Committee correctly points out that "since the U.S. has not ratified the central international human rights treaties, its citizens [and all residents] cannot play a part in the corresponding treaty bodies or the interpretation of international standards through those bodies." In other words, Americans cannot plea their cases to the U.N. The committee recommends,

At a time when the United States seeks to develop a new world order built on respect for human rights and the rule of law, ratification would also serve to enhance the credibility of the U.S. government abroad, particularly as it advocates adherence to human rights standards by other governments.³⁴

³³ Jack Nelson, "Illegal Immigration Key '96 Issue, GOP Chief Says," *Los Angeles Times*, 11 January 1995, A20.

³⁴ Lawyers Committee for Human Rights, 45.

Human rights and immigration policy belong in the realm of international relations; they also fall under the auspices of the world forum, the United Nations.

Christian Ethical Perspective

Writing foreign policy as a problem for Christian ethics, John Bennett is concerned that "the capacity of a nation for self-deception is endless." This has been his concern. Bennett writes,

Its claims to righteousness are used to clothe any actions to which it may be led, especially in times of stress. In an age of ideology, this tendency is aggravated. And insofar as there is an element of truth in a nation's moral claims, it is difficult for citizens to protect themselves against self-deceptions.³⁵

Bennett's point is to keep those in the political realm to listen to criticism and "fresh guidance" from the ethical realm. Thus, he asked, "Why is the distance so great between foreign policy and Christian ethics?"³⁶ "Christians have been content to declare that there is a double standard: one standard for personal life and for more limited social relations, and another for the national state, especially in its relations with other national states."³⁷ However, theological and ethical presupposition is that, "great as are the tensions between Christian ethics and international politics, the two

³⁵ John C. Bennett, *Foreign Policy in Christian Perspective* (New York: Charles Scribner's Sons, 1966), 13.

³⁶ Bennet, 12.

³⁷ John C. Bennett and Harvey Seifert, *U.S. Foreign Policy and Christian Ethics* (Philadelphia: Westminster Press, 1977), 15.

should not be separated."³⁸ While there is always the temptation to try to keep ethics and international affairs in separate compartments, I believe that the reasons for this inseparable relationship have been well established.³⁹

In Bennett's mind, during the Second World War, referring to Archbishop William Temple, "one difference between the British and the Nazis was that former did not practice what they preached, but the latter did." For Bennett, while this national hypocrisy is a moral dilemma, it is better to keep the sources of moral judgment alive in the national life at the cost of hypocrisy than it is to lower the proclaimed standards to the practice of the moment. However, "in times of crisis, when national debate may be limited by considerations of patriotism and national security [or economy in the case of U.S. immigration policy], the moral problem created by such self-deception is compounded in which it results in the destructive effects of self-righteousness, i.e., national system finds the "evil" enemy."⁴⁰ Bennett reminds the readers that

perhaps the most telling statement of the warning against self-righteousness is the saying of Jesus: "Why do you see the speck that is in your brother's eye, but do not notice the log that is in your own eye?" (Matt.7:3)⁴¹

³⁸ Bennett and Seifert, 15.

³⁹ Bennett and Seifert, 15 - 34.

⁴⁰ Bennet, 13.

⁴¹ Bennet and Seifert, 25.

From a theological human rights perspective, I begin with a few of my own questions: As a "nation of immigrants," how can U.S. immigration policy help to promote human rights? Why should Christians be committed to promote human rights? If Christians are theologically compelled to promote human rights, what can they do to include the concerns relating to human rights with respect to U.S. immigration policy? From theological-ethical perspective, the moment of *kairos* led me to analyze the issues of human rights and U.S. immigration policy in the context of Christian ministry. For me, Christian ministry demands action; it is about "God's event in Jesus and Jesus words of justice, love, and compassion."⁴² If Christian ministry is service to the kingdom of God on earth, then, Christian leadership ought to promote human rights to protect human dignity and to move towards a holistic U.S. immigration policy.⁴³ The U.S. must include global perspective; it cannot afford to allow the oppressive U.S. immigration history to continue in the future. Christians should embrace and take part in solidarity theologically and ethically with the excluded and marginalized communities of immigrants.

Global Perspective

Currently, while the U.S. publicly supports global commitment to "sustainable development"--economic progress without environmental destruction--and while it has

⁴² Thomas Franklin O'Meara, *Theology of Ministry*, (New York: Paulist), 88.

⁴³ O'Meara, 88.

ratified the North American Free Trade Agreement (NAFTA), immigration issues also can hardly be resolved in a vacuum. The world political climate is also volatile. New states appear like never before; refugee and asylum cases are on the rise. Exponential population growth and the shifts of age distribution also are a deep concern.

Environmentally, Vice President Al Gore states his concern, "76% of global water use is agricultural...a significant change in the availability of fresh water supply can trigger massive human migrations."⁴⁴ As the U.S. supports global partnership on environmental concerns and human rights, it cannot afford to simply build political and judicial layers of walls to resolve its immigration problems. Immigration issues clearly belong in the realm of international relations.

Specifically, the world recognizes that human conditions are interdependent. During the 1993 World Conference on Human Rights (Vienna), one of the six objectives was "to examine the relation between development and the enjoyment of economic, social, and cultural rights *as well as* civil and political rights, recognizing the importance of creating the conditions whereby everyone may enjoy these rights as set out in the International Covenants on Human Rights [emphasis mine]."⁴⁵ While this is an affirmation of existing human rights, I believe that it is also the world's

⁴⁴ Gore made this remarks when he addressed the first-ever "Earth Summit" -- the United Nations Conference on Environment and Development (UNCED)-- at Rio de Janeiro, Brazil, June 1992.

⁴⁵ Norchi, 213.

acceptance to take the challenge of new opportunities for international cooperation, particularly after the end of the Cold War. In fact, it has already made some difference in the area of refugees: "This new international political climate has already led to the settlement of many regional conflicts, opening the way for the repatriation of over a million-and-a-half refugees in 1992 alone."⁴⁶

There are positive signs that the world is moving toward the acceptance of human rights challenge as it begins to redefine the notion of human rights. Refugee issue is a classic example. In its immigration law, the U.S. has adapted the 1951 Convention Relating to the Status of Refugees which indicates that a refugee is a person with a well-founded fear of persecution on the basis of race, religion, nationality, membership in a particular social group or political opinion. However, this definition was shaped during the Cold War, when the causes and characteristics of population displacement were different from what they are today. The U.S. and many other nations face problems when the definition is applied in contemporary refugee situations. For example, "on February 2, 1992, the U.N. High Commissioner for Refugees (UNHCR) issued a statement expressing regret that the U.S. government had decided to return Haitian asylum seekers"⁴⁷ There are at least two reasons:

⁴⁶ Kathryn C. Lawler, "Refugees," in *A Global Agenda* John Tessitore and Susan Woolfson, eds. (Lanham, Md: University Press of America, 1993), 240.

⁴⁷ Lawler, 241.

First, the majority of *refugee situation today involve large numbers of people rather than one or a few individuals*, and in most cases it is logistically impossible to determine the refugee status of each person by conducting a personal interview. Second, most refugees today are not fleeing persecution directed at themselves as individuals but, rather, are *fleeing life-threatening conditions of general violence and repression*.⁴⁸

I believe that the U.S. and other nations facing problems with the previous refugee definition may consider evolving further as some progress has been made that comport more closely with contemporary refugee situations. For example, an African and a Latin American regional instruments [refugee convention] have broadened the 1951 Convention's definition of refugees. They "include additional categories of people, such as those fleeing foreign aggression and internal strife [Organization of African Unity (OAU) Convention Regarding the Specific Aspects of Refugee Problems in Africa of 1967 and the Cartagena Declaration of 1984]."⁴⁹ The 1951 Convention does not include "gender-based persecution:" "the claim of refugee status by women fearing harsh or inhumane treatment because of having transgressed their society's laws or customs regarding the role of women."⁵⁰ Therefore, the UNHCR recommends "guidelines" that states "consider women so persecuted as a 'social group.'"

⁴⁸ Lawler, 242.

⁴⁹ Lawler, 242.

⁵⁰ Lawler, 242.

The most notable progress toward implementing this recommendation has been made in Canada, where in March 1993 the head of country's Immigration and Refugee Board issued guidelines encouraging those who adjudicate asylum claims to consider gender-related persecution as one ground for granting refugee status ["Guidelines Issued by the Chairperson Pursuant to Section 65(3) of the Immigration Act -- Women Refugee Claimants Fearing Gender-Related Persecution," Ottawa, 3/9/93].⁵¹

Human Rights Ministry

Human rights ministry seems to be an awesome task. But, what if I imagine that servant and solidarity leadership is the rule, not an exception? What if Christian churches become more involved in the affairs of U.S. government to promote human rights? Government policymakers often has acquired a measure of "expertise" over the public. The question is, How does the church receive information about the world's condition, and respond for or against those experts? There are two ways to view this matter.

First, Paul Ramsey has written about the need of churches and moral critics to take seriously the dilemmas of the policymakers. He believes that the church does have a responsibility to teach about presuppositions, goals, and perspectives that are the context of policy. But he says that "the church's business is not policy-formation. That is the awesome responsibility of magistrates (and of churchmen along with other

⁵¹ Lawler, 242.

citizens in their non-ecclesiastical capacities)." Later, he also says that the churches "need to stand in awe before the people called 'decision-makers,' or rather before the majesty of the topmost political agency."⁵² Therefore, the first option is to place complete trust on the policymakers.

Second, while John Bennett agrees with the first two assessments, he disagrees with Paul Ramsey on the latter position relating to the church. Bennett writes

churches and moralists should give considerable leeway to people on the spot who are deeply involved in a concrete situation[,] but it is still possible for the critic who knows less about the details of the immediate situation to see how what is being done by policymakers belongs to a history of disaster. The policymakers may not see this, or may not be able to extricate himself from the consequences of his own past decisions, and may be carried along by the many pressures that surround him.⁵³

As a way of integrating U.S. foreign policy and Christian ethics, Bennett indicates that "a basic requirement for making peace possible is a reorientation of public opinion in the United States."⁵⁴ Unfortunately, "most people feel incompetent and irrelevant when it comes to foreign affairs."⁵⁵ To that end, while he recognizes the dangerous

⁵² Paul Ramsey, *Who Speaks for the Church?* (Nashville: Abingdon, 1967), 149-53, cited in Bennett and Seifert, 63-64.

⁵³ Bennett and Seifert, 64.

⁵⁴ Bennett and Seifert, 218.

⁵⁵ Richard J. Barnet, *The Roots of War* (New York: Penguin Books, 1973), 316, cited in Bennett and Seifert, 218.

effect, if decisions are not based on informed policy, Bennet offers the following advise to the churches:

Churches have confined themselves almost completely to generalization like peace and justice and equal opportunity. Research in the behavioral sciences indicates that the attitudes of hearers are not changed by such generalizations apart from a more concrete analysis. After all, Communists and capitalists, interventionists and isolationists have all convinced themselves that their policies will best achieve those glowing attractive and delightfully general goals. Affirmation of general goals simply confirms all these contradictory groups in their existing convictions. A more critical analysis of concrete, present situations is needed if opinions are to change.⁵⁶

Opinions, even expert opinions, can change when Christians pensively engage themselves theologically with the concrete "situation." I believe that the latter view offered by John Bennett should serve as the theological basis for human Rights ministry.

Specifically, Paul Tillich offered an interpretative theological method in the new paradigm, pointing to the task of theology as an analysis of the "situation."⁵⁷ For Tillich, "theology, as a function of the Christian church, must serve the needs of the church." Therefore, "the situation cannot be excluded from theological work." Tillich concludes that the church must be involved in "a courageous participation in the

⁵⁶ Bennett and Seifert, 220.

⁵⁷ David Tracy, "Theological Method," in Peter C. Hodgson and Robert H. King, eds., *Christian Theology* (Minneapolis: Fortress, 1994), 53.

situation"⁵⁸ Tillich refers this type of engagement as the "doctrine of the theological circle" as a methodological consequence. That is, "neither the introduction nor any other part of the theological system is the logical basis for the other parts. Every part is dependent on every other part."⁵⁹ For Tillich, however, "theology deals with it ['primary concern'] only in so far as it is a medium, a vehicle, pointing beyond itself." In other words, there is the "object of theology," in which Tillich calls it the "ultimate concern."⁶⁰ The ultimate concern is about "being" and "meaning."⁶¹

Having eternal faith, I believe Christian opinions must change when theological and ethical situations threaten the existence of the ultimate concern. Christian perspective should serve as a vehicle to promote the ultimate concern for human beings.

U.S. Immigration Policy and International Human Rights

One of the most sensitive area of U.S. immigration policy relates to political asylum cases. Refugee claims on statutory basis to file for asylum have come a long way. The Refugee Act of 1980 was passed "to regularize refugee resettlement admissions from overseas (Section 207) and to provide a statutory basis for asylum

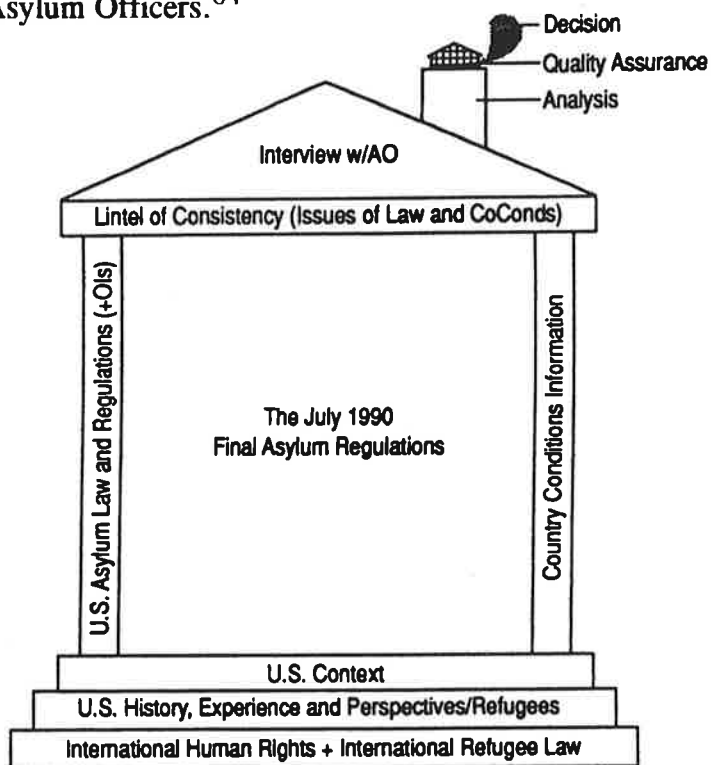
⁵⁸ Paul Tillich, *Systematic Theology*, 3 vols. (Chicago: University of Chicago Press, 1951), 1:3-5.

⁵⁹ Tillich, 1:11.

⁶⁰ Tillich, 1:12-13.

⁶¹ Tillich, 1:14.

(Section 208). At the same time, it [the Act] incorporated the United Nations definition of refugee into U.S. statute (Section 101(a)(42)(a)).⁶² In October 1990, INS created a new affirmative asylum adjudication program.⁶³ A simple diagram, entitled "The House the July 1990 Regulations Built," was developed to use during "in-house" training with Asylum Officers.⁶⁴



The house the July 1990 regulations built

The diagram shows a three-layered foundation, consisting of (1) international law and international human rights; (2) U.S. history, experience and perspectives; and (3) the

⁶² Gregg A. Beyer, "Establishing the United States Asylum Officer Corps: A First Report," *International Journal of Refugee Law* 4 (1992): 456.

⁶³ Beyer, 466.

⁶⁴ Beyer, 478.

current U.S. context. The house is supported by two equal pillars, namely, knowledge of U.S. asylum laws, regulations and instructions; and knowledge of conditions in an applicant's country of origin (using U.S. State Department Country Reports). All this is brought "under one roof" for "non-adversarial interview" with Asylum Officer.⁶⁵

While this process appears to include a significant improvement from the previous procedure, asylum criteria for the applicant really has not changed. It appears that all of the necessary information is determined from the perspective of U.S. Particularly, relating to the Country Reports, while there has been "improvement in the overall quality of the reports since 1976 . . . , the pressure to produce human rights reports that would not offend important allies have decreased, but have not disappeared."⁶⁶ The Committee recommends the three key areas:⁶⁷

(1) The State Department fails in some reports to hold governments accountable, in its own voice, for human rights violations. In some cases, this is a result of the conflation of governmental and non-governmental abuses. Human rights observance cannot coexist with impunity, and the reports need to more fully acknowledge this fact.

(2) The reports do not emphasize adequately the difficulties, both legal and practical, faced by local non-governmental human rights organizations in their efforts to protect and promote human rights. These groups are

⁶⁵ Beyer, 478-479.

⁶⁶ Lawyers Committee for Human Rights, *Critique*, (New York: Lawyers Committee for Human Rights, 1993), 1.

⁶⁷ Lawyers Committee for Human Rights, *Critique*, 1.

the watchdogs best capable of monitoring and advocating for respect for human rights, and more attention needs to be given to their situation.

(3) Finally, the reports need to reflect more fully the U.S. government's declared support for the principle of multilateralism in human rights protection and promotion. Greater attention needs to be given in the reporting on compliance with international human rights standards and the excellent work performed by intergovernmental bodies, particularly the United Nations and its human rights mechanisms. The Country Reports must also assess observance of all fundamental human rights -- civil and political as well as economic, social and cultural -- by reinstating the wider coverage that was an important element of early reports. The diagram shows a three-layered foundation, consisting of (1) international law and international human rights; (2) U.S. history, experience and perspectives; and (3) the current U.S. context. The house is supported by two equal pillars, namely, knowledge of U.S. asylum laws, regulations and instructions; and knowledge of conditions in an applicant's country of origin (using U.S. State Department Country Reports). All this is brought "under one roof" for "non-adversarial interview" with Asylum Officer.⁶⁸

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- (2) The reports do not emphasize adequately the difficulties, both legal and practical, faced by local non-governmental human rights organizations in their efforts to protect and promote human rights. These groups are the watchdogs best capable of monitoring and advocating for respect for human rights, and more attention needs to be given to their situation.
- (3) Finally, the reports need to reflect more fully the U.S. government's declared support for the principle of multilateralism in human rights protection and promotion. Greater attention needs to be given in the reporting on compliance with international human rights standards and the excellent work performed by intergovernmental bodies, particularly the United Nations and its human rights mechanisms. The Country Reports must also assess observance of all fundamental human rights -- civil and political as well as economic, social and cultural -- by reinstating the wider coverage that was an important element of early reports.

The above critique has to do with a whole process of U.S. government system. The creation of a new affirmative asylum adjudication program is an excellent place to

⁶⁹ Lawyers Committee for Human Rights, Critique, 1.

⁷⁰ Lawyers Committee for Human Rights, Critique, 1.

begin correcting U.S. immigration policies. The key systemic word for this process is to bring U.S. immigration policy "under one roof," especially considering the norms of international law and international human rights law. Certain groups of Christians recognize the roof to be under God. This roof is known as the "sanctuary movement."

Sanctuary Movement: Refugee Experience and *Han*

The Sanctuary movement and its relationship between "refugee" and human rights perhaps show the most compelling reason for human solidarity to aid the victims of war. I pay particular attention to the subject of refugee and human rights as I point to Korean experience of *han* in Korea and Japan. ("*Han* is an Asian, particularly Korean, term used to describe the depths of human suffering . . . is the abysmal experience of pain."⁷¹) It also involves story of my own family.

In order to discuss the degree of impact of refugee, a portion of story recorded in Andrew Sung's book is cited:

As Japanese-Americans have unjustly suffered in the United States, Koreans in Japan have suffered as well During the war [Second World War], many Koreans were drafted for work at military industrial factories in Hiroshima and Nagasaki. There was a total of 70,000 Korean casualties in both cities; 40,000 were killed and 30,000 were exposed to the A-bomb radiation. Out of 30,000, 23,000 returned to Korea after the war.⁷²

⁷¹ Andrew Sung Park, *The Wounded Heart of God* (Nashville: Abingdon, 1993), 15.

⁷² *The Dong-A Daily News* [L.A. ed.], 15 Aug. 1898, 1, cited in Park.

While 7,000 victims remained in Japan, only 2,000 of them have received medical treatments. The remaining 5,000 Koreans, not having the right kind of visas or hiding their identity, were excluded from treatment.⁷³

The survivors and their descendants have lived in subhuman conditions. These people are reticent about their disease, because it affects their employment, their marriage, and their children's future. Speaking of the A-bomb disease has become a social taboo, effectively burying them alive in a society in a society that ignores them.

Soe-Ryoeng Kang was exposed to the A-bomb while he was working for the supply depot of the army in Hiroshima. The left half of his body was severely burned. His father and nine brothers and sisters died from the explosion. His oldest brother, who survived, became involved in the anti-Korean war movement and was ordered by a court-martial of the U.S. occupation army to be deported to Korea. He died of radiation just before he was to be sent back. . . . [Kang was interviewed in when he was forty-three.] The burned part of his body that festers if scratched symbolizes the reality of *han*. The part of the body that does not perspire epitomizes *han*! His mask-like face, unable to express anger and happiness, is *the face of han*, burying all his sorrow and that of other Korean A-bomb victims. He buries the grief of the loss of his parents and nine brothers and sisters behind that expressionless face. Physical suffering from A-bomb disease and the inability to do hard labor are a constant source of *han*-accumulation. In addition, the double discrimination he experiences as a Korea and an A-bomb victim intensifies his *han*. Living

⁷³ Nam-Dong Suh, *Minjung Shinhak ui Tamku* [Exploration of *Minjung* Theology), 326, cited in Park, 26.

in such a social systems, his wrath has "festered" more than twenty-two years.⁷⁴

Refugee knows the experience of *han*. Survivors of the Holocaust experienced *han*. Many Koreans, including my parents, also experienced it, and still live with *han*. My father experienced the Japanese oppression for more than thirty years and the Second World War, then the Korean War. He then watched his sons being drafted to participate in the Vietnam War. As a woman, my mother's story can never be fully expressed in words as human language is inadequate to express the experience of *han*.

Understanding the notion of *han* for a person who may not know about the expression is crucial. Andrew Park identifies *han* as the wounded heart.

A Wound is "a hurt caused by the separation of the tissues of the body."⁷⁵ It usually involves division of tissue or rupture of membrane, due to external violence. *Han* is the division of the tissue of the heart caused by abuse, exploitation, and violence. It is the wound to feelings and self-dignity.⁷⁶ When the heart is hurt so much, it ruptures symbolically; it aches. When the aching heart is wounded again by external violence, the victim suffers a yet deeper pain. The wound produced by such repeated abuse and injustice is *han* in the heart.⁷⁷

⁷⁴ Park, 26-27.

⁷⁵ *The Compact Edition of the Oxford English Dictionary: Complete Text Reproduced Micrographically*, 2 vols. (London: Oxford University Press, 1971), 2:3830, cited in Park, 20.

⁷⁶ Soon Tae Moon, "Han Yi Rhan Muut Inga?" (What is Han?), in *The Story of Han*, 141, cited in Park, 20.

⁷⁷ Park, 20.

While human beings may never be able end the violence of war, the intricacy of refugee and human rights reflects the degree of *han* in the form of measuring yardstick of international human rights law. As long as there is human *han*, sanctuary movement is necessary. However, human rights law does not stop the pain of *han*. Yet, oppressed peoples in the world know *han*. All human beings have also experienced this kind of pain to varying degrees. The implicit relationship between refugee and human rights law recognizes *han* that no human being should ever be allowed to experience in life time. I believe that it is the minimal standard for human rights. *Han* is an experiential articulation for the need of a sanctuary movement for human protection.

Christian Action: Peace With Justice

The preceding chapters have presented a critically analyzed U.S. immigration policy from a Christian human rights perspective. Christian leadership and human rights can be achieved through human rights ministry of praxis. Christians must be challenged to promote and to develop holistic immigration and international policies. There is a desperate need for global human rights ministry in the church. The World Council of Churches (WCC) had gathered under the common theme, "Signs of the Spirit." The assembly stated that "the advocacy of and struggle for human rights should be central in the churches. We urge that the defense and promotion of human

rights be understood as central to the gospel, and their promotion a responsible and ethical engagement by Christians in social life."⁷⁸ For me, , the following three levels are the concrete areas of human rights ministry: the educational (i.e., University and youth levels), the institutional (church) and the political (specific human rights promotion).⁷⁹

From theological-ethical human rights perspective, the notions of ethics of love and of global partnership must affect concrete levels in solidarity of praxis . Human beings and various environmental concerns indeed are interdependent and interrelated with one another to survive together at all levels of society. Rethinking and the inclusive ecclesiastical and theological understandings on human rights should relate concretely to the task of human solidarity in communities of faith, celebrating the celestial kingdom of God "already here and the not yet." Martin Luther King, Jr.'s read Walter Rauschenbusch's book, and said that it "left an indelible imprint on my thinking."⁸⁰ Rauschenbusch stressed the following about the kingdom of God:

If theology is to offer an adequate doctrinal basis for the social gospel, it must not only make room for the doctrine of the Kingdom of God, but give it a central place and

⁷⁸ "Spirit of Truth -- Set Us Free," in Kinnamon, 92.

⁷⁹ J. F. Collange, "The Churches and Human Rights in Europe," *Reformed World*, 37 (Dec., 1983): 292-299.

⁸⁰ King, 150.

revise all other doctrines so that they will articulate organically with it.⁸¹

Human rights ministry hopes to connect strength to love in human situations and Christian ministry to bring Kingdom of God on earth, transforming individual, local, and global communities on the planet earth.

In the past chapters, I have pulled together theologies of liberation and the messianic ecclesiology to point to the "signs of the time" for Christians to respond with praxis. Concretely, U.S. immigration policy became the object of critical analysis from a Christian perspective. I have discovered that caring Christians have mobilized themselves to deal with the crisis of unjust immigration policy. I believe that they will not be forgotten, and such praxis will continue arise out of the Christian tradition. Similarly, experiences of the 1992 Los Angeles "uprising," transformed as the moment of *kairos*, serve as the basis dialectical theology, where situation and theology feed each other and enter the process of transformation. That kind of relationship is based on hope. For Jürgen Moltmann, the doctrine of hope exists in the concrete relationships in the world. "Every relationship to another life involves the future of that life, and the future of the reciprocal relationship into which one life enters with another. . . . Living hope is always connected with relationships"⁸²

⁸¹ Walter Rauschenbusch, *A Theology for the Social Gospel* (1917; reprint, Nashville: Abingdon, 1978), 131.

⁸² Moltmann, 134.

Integrating Christian leadership and human rights means that the act of integration in that kind of relationship. It is in the process of formulating concrete action and the basis of certain guideline for the political action and the political resistance. In the final analysis, I believe that "human rights and the rights of humanity are to be viewed as answering to and anticipating the kingdom of Son of man in the power struggles of history."⁸³ It seems clear that challenge to deliver the process of integration arises out of one's own situation to deal with all sorts of mistrust and injustice.

Lastly, I shall also turn to concrete actions to build my own ethnic group, known as the Korean-American community. While Korean-Americans do not all agree on similar theological, political, and social issues, I am urging the Korean and Korean-American churches to begin specific programs to promote ideas and actions toward peace, love, justice, and hope in solidarity with other communities at large. As a part of appendixes in this project, I have enclosed "Start-Up Kit" to help to organize "Peace With Justice Week" at the local churches. It should be modified to fit Korean and Korean-American cultural context. In fact, the national organizers of the Week are aware that the Peace With Justice agenda is a only a partial list of activities. Korean-Americans often have more activities. Yet, Korean-American often lack in the areas of community-building activities and the focus on peace and human rights issues. I have witnessed and felt the pain with Koreans and Korean-Americans during the *Sa-I-Gu*

⁸³ Moltmann, 182.

("April 29th," 1992 Los Angeles uprising). Immediately after the chaos, I have also witnessed and felt the pride with Korean and Korean-American churches for their coordinating efforts to restore justice and to rebuild Korean-American community and the City of Los Angeles as a whole. In the words of Max DePree, they have practiced the art of leadership. During the Peace with Justice week, *Sa-I-Gu*, the month of May (Asian American Heritage Month), and other significant moments should be recognized through various appropriate ways and places as they are not included in the current Peace With Justice agenda. I would urge that Korean and Korean-American churches be in solidarity for peace with justice, promoting the Peace With Justice Week today.

For me, the promotion of peace with justice means that Koreans and Korean-Americans begin the process of integration as a community. Of course, I mean a genuine community. M. Scott Peck describes this kind of community as a place of integration and integrity.

Community is integrative. It includes people of different sexes, ages, religions, cultures, viewpoints, life styles, and stage of development by integrating them into a whole that is greater -- better -- than the sum of its parts. Integration is not a melting process; it does not result in a bland average. Rather it has been compared to the creation of a salad in which the identity of the individual ingredients is preserved yet simultaneously transcended. Community does not solve the problem of pluralism by obliterating diversity. Instead it seeks out diversity, welcomes other points of view, embraces opposites, desires to see the other side of every issue. It is

"wholistic." It integrates us human beings into a functioning mystical body.⁸⁴

I also believe that genuine community is always characterized by integrity. However, "integrity is never painless. . . . It requires that we let matters rub up against each other, that we fully experience the tension of conflicting needs, demands, and interests, that we even be emotionally torn apart by them."⁸⁵ Nevertheless, this kind of genuine community continually urges its members to deeper levels of integrity.

I care for human dignity, human rights, peace and justice. I want to be a peacemaker, and build a genuine community. I invite anyone interested in starting up the programs on peace and justice issues or human rights ministry in general at Coalition for Peace with Justice, Contact: Peter Kim, 9542 Borson Street, Downey, CA 90242.

*"Blessed are the peacemakers, for they will be called children of God."*⁸⁶

⁸⁴ M. Scott Peck, *The Different Drum* (New York: Simon & Schuster, 1987), 234.

⁸⁵ Peck, 235.

⁸⁶ Matt. 5:9 (NRSV).

Appendix "A "

Charter of the United Nations

We the peoples of the United Nations determined

to save succeeding generations from the scourge of war, which twice in our life-time has brought untold sorrow to mankind, and

to reaffirm faith in fundamental human rights, in the dignity and worth of the human person, in the equal rights of men and women and of nations large and small, and

to establish conditions under which justice and respect for the obligations arising from treaties and other sources of international law can be maintained, and

to promote social progress and better standards of life in larger freedom,

And for these ends

to practice tolerance and live together in peace with one another as good neighbours, and

to united our strength to main international peace and security, and

to ensure, by the acceptance of principles and the institution of methods, that armed force shall not be used, save in the common interest, and

to employ international machinery for the promotion of the economic and social advancement of all peoples,

Have resolved to combine our efforts to accomplish these aims

Accordingly, our respective Governments, through representatives assembled in the city of San Francisco, who have exhibited their full powers found to be in good and due forms, have agreed to the present Charter of the United Nations and do hereby establish an international organization to be known as the United Nations.

Appendix "B"

Universal Declaration of Human Rights

Preamble

Whereas recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world,

Whereas disregard and contempt for human rights have resulted in barbarous acts which have outraged the conscience of mankind, and the advent of a world in which human beings shall enjoy freedom of speech and belief and freedom from fear and want has been proclaimed as the highest aspiration of the common people,

Whereas it is essential, if man is not to be compelled to have recourse, as a last resort, to rebellion against tyranny and oppression, that human rights should be protected by the rule of law,

Whereas it is essential to promote the development of friendly relations between nations,

Whereas the peoples of the United Nations have in the Charter reaffirmed their faith in fundamental human rights, in the dignity and worth of the human person and in the equal rights of men and women and have determined to promote social progress and better standards of life in larger freedom,

Whereas Member States have pledged themselves to achieve, in cooperation with the United Nations, the promotion of universal respect for and observance of human rights and fundamental freedoms,

Whereas a common understanding of these rights and freedoms is of the greatest importance for the full realization of this pledge,

Now, therefore,

The General Assembly,

Proclaims this Universal Declaration of Human Rights as a common standard of achievement for all peoples and all nations, to the end that every individual and every organ of society, keeping this Declaration constantly in mind, shall strive by teaching and education to promote respect for these rights and freedoms and by progressive measures, national and international, to secure their universal and effective recognition and observance, both among the peoples of Member States themselves and among the peoples of territories under their jurisdiction.

Article 1

All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood.

Article 2

Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth, or other status.

Furthermore, no distinction shall be made on the basis of the political jurisdictional or international status of the country or territory to which a person belongs, whether it be independent, trust, non-self-governing or under any other limitation of sovereignty.

Article 3

Everyone has the right to life, liberty and security of person.

Article 4

No one shall be held in slavery or servitude; slavery and the slave trade shall be prohibited in all their forms.

Article 5

No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.

Article 6

Everyone has the right to recognition everywhere as a person before the law.

Article 7

All are equal before the law and are entitled without any discrimination to equal protection of the law. All are entitled to equal protection against any discrimination in violation of this Declaration and against any incitement to such discrimination.

Article 8

Everyone has the right to an effective remedy by the competent national tribunals for acts violating the fundamental rights granted him by the constitution or by law.

Article 9

No one shall be subjected to arbitrary arrest, detention or exile.

Article 10

Everyone is entitled in full equality to a fair and public hearing by an independent and impartial tribunal, in the determination of his rights and obligations and of any criminal charge against him.

Article 11

1. Everyone charged with a penal offense has the right to be presumed innocent until proved guilty according to law in a public trial at which he has had all the guarantees necessary for his defense.

2. No one shall be held guilty of any penal offense on account of any act or omission which did not constitute a penal offense, under national or international law, at the time when it was committed. Nor shall a heavier penalty be imposed than the one that was applicable at the time the penal offense was committed.

Article 12

No one shall be subjected to arbitrary interference with his privacy, family, home or correspondence, nor to attacks upon his honour and reputation. Everyone has the right to the protection of the law against such interference or attacks.

Article 13

1. Everyone has the right to freedom of movement and residence within the borders of each State.

2. Everyone has the right to leave any country, including his own, and to return to his country.

Article 14

1. Everyone has the right to seek and to enjoy in other countries asylum from persecution.

2. This right may not be invoked in the case of prosecutions genuinely arising from non-political crimes or from acts contrary to the purposes and principles of the United Nations.

Article 15

1. Everyone has the right to a nationality.

2. No one shall be arbitrarily deprived of his nationality nor denied the right to change his nationality.

Article 16

1. Men and women of full age, without any limitation due to race, nationality or religion, have the right to marry and to found a family. They are entitled to equal rights as to marriage and at its dissolution.

2. Marriage shall be entered into only with the free and full consent of the intending spouses.

3. The family is the natural and fundamental group unit of society and is entitled to protection by society and the State.

Article 17

1. Everyone has the right to own property alone as well as in association with others.
2. No one shall be arbitrarily deprived of his property.

Article 18

Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance.

Article 19

Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.

Article 20

1. Everyone has the right to freedom of peaceful assembly and association.
2. No one may be compelled to belong to an association.

Article 21

1. Everyone has the right to take part in the government of his country, directly or through freely chosen representative.
2. Everyone has the right to equal access to public service in his country.
3. The will of the people shall be the basis of the authority of government; this will shall be expressed in periodic and genuine elections which shall be by universal

and equal suffrage and shall be held by secret vote or by equivalent free voting procedures.

Article 22

Everyone, as a member of society, has the right to social security and is entitled to realization, through national effort and international co-operation and in accordance with the organization and resources of each State, of the economic, social and cultural rights indispensable for his dignity and the free development of his personality.

Article 23

1. Everyone has the right to work, to free choice of employment, to just and favourable conditions of work and to protection against unemployment.
2. Everyone, without any discrimination, has the right to equal pay for equal work.
3. Everyone who works has the right to just and favourable remuneration ensuring for himself and his family an existence worthy of human dignity, and supplemented, if necessary, by other means of social protection.
4. Everyone has the right to form and to join trade unions for the protection of his interests.

Article 24

Everyone has the right to rest and leisure, including reasonable limitation of working hours and periodic holidays with pay.

Article 25

1. Everyone has the right to a standard of living adequate for the health and well-being of himself and his family, including food, clothing, housing, and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control.

2. Motherhood and childhood are entitled to special care and assistance. All children, whether born in or out of wedlock, shall enjoy the same social protection.

Article 26

1. Everyone has the right to education. Education shall be free, at least in the elementary and fundamental stages. Elementary education shall be compulsory. Technical and professional education shall be made generally available and higher education shall be equally accessible to all on the basis of merit.

2. Education shall be directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms. It shall promote understanding, tolerance and friendship among all nations, racial or religious groups, and shall further the activities of the United Nations for the maintenance of peace.

Article 27

1. Everyone has the right freely to participate in the cultural life of the community, to enjoy the arts and to share in scientific advancement and its benefits.

2. Everyone has the right to the protection of the moral and material interests resulting from any scientific, literary or artistic production of which he is the author.

Article 28

Everyone is entitled to a social and international order in which the rights and freedoms set forth in this Declaration can be fully realized.

Article 29

1. Everyone has duties to the community in which alone the free and full development of his personality is possible.

2. In the exercise of his rights and freedoms, everyone shall be subject only to such limitations as are determined by law solely for the purpose of securing due recognition and respect for the rights and freedoms of others and of meeting the just requirements of morality, public order and the general welfare in a democratic society.

3. These rights and freedoms may in no case be exercised to the purpose and principle of the United Nations.

Article 30

Nothing in this Declaration may be interpreted as implying for any State, group or person any right to engage in any activity or to perform any act aimed at the destruction of any of the rights and freedoms set forth herein.

Appendix "C"

A Resolution of the National Council of the Churches of Christ in the U.S.A.

Resolution on Refugee Protection and Sanctuary Adopted May 17, 1985

The Governing Board of the National Council of the Churches of Christ in the United States of America (NCCUSA):

- (1) Urges the Government of the United States to recommit itself to the principle of *non-refoulement* (no forced return) in the spirit of the UN Convention relating to the Status of Refugees, which the United States signed in November 1968;
- (2) Urges the Government to grant temporary safe haven through Extended Voluntary Departures status to Salvadoran and Guatemalan nationals who have fled to the United States since 1980, until they can return home in safety;
- (3) Urges the Government to insure fair and expeditious consideration, with full due processes, for all persons requesting political asylum in the United States;
- (4) Urges the Congress of the United States to adopt the Deconcini-Moakley Bill, which would provide a two-year moratorium on deportation of Salvadoran nationals now in the United States;
- (5) Urges the Department of Justice to cease persecuting sanctuary workers seeking to assist Salvadoran and Guatemalan refuge-seekers, particularly since they appear to be acting in consonance with the law;
- (6) Encourage its member communions to give serious consideration to the Sanctuary Movement as an expression and embodiment of the Christian's duty to the suffering, and to afford affirmation and support to those

persons and congregations who choose to pursue this difficult path as work of Christian obligation and obedience, without derogation of those who do not choose it;

- (7) Believes that justice will not be served if such persons are denied the defenses to which they are entitled in a criminal prosecution, pertaining to their religious motivation and the life-threatening conditions from which the refuge-seekers fled; and
- (9) Considers it misconduct on the part of the Government to infiltrate churches with Government agents to gather information for the purpose of apprehending persons engaged in the sanctuary movement.

Footnote: Groups contemplating joining the sanctuary movement should consider the fact that:

- (1) Those doing so risk criminal prosecution, expenses of legal defense, and possible fine, imprisonment, or restrictive conditions of probation, as well as a "criminal" record.
- (2) Even though "sanctuary" have very little legal significance in the United States, law-enforcement authorities can nevertheless be required to produce a valid search or arrest warrant before being permitted entrance to church premises for law-enforcement purposes, whether the church is a sanctuary or not. When acting pursuant to such valid warrant, there is no legal obstacle to their entering and apprehending a fugitive or other person named on the warrant, whether the church is a sanctuary or not.

Policy Base: *Immigrants, Refugees, and Migrants*, adopted by the Governing Board May 14, 1981.

Appendix "D"

**A Resolution
of the
National Council of the Churches of Christ in the U.S.A.
475 Riverside Drive
New York, NY 10115**

**The Anti-immigrant Backlash
(Adopted by the General Board November 11, 1994)**

WHEREAS the number of people uprooted by violence and persecution in the world continues to increase, and the variety of refugee situations complicates efforts to provide humanitarian assistance;

WHEREAS people leave their countries for many reasons, including economic desperation, and the public is often confused or unaware of the differences between refugees, asylum-seekers and immigrants, and since governmental policies toward refugees are often shaped by the broader context of immigration;

WHEREAS the United States and other governments in all regions of the world are closing their doors to refugees and immigrants, making it more and more difficult for people fleeing persecution to find protection and security outside their home countries, even as some countries with fewer resources continue to welcome refugees;

WHEREAS the United States government sets a distressing standard in adopting policies intended to make it more difficult for refugees and immigrants to arrive and live in the United States in safety and in dignity, including decreasing the number of refugees admitted to the United States each year, restricting the right of individuals to access asylum procedures, enacting expedited asylum procedures which may result in refugees being sent back to the hands of their persecutors, rolling back the rights of immigrants, limiting benefits to legal permanent residents and other measures;

WHEREAS xenophobia is on the rise, threatening the fabric of United States society with a public backlash against refugees and immigrants, which is characterized by fear, mistrust and blame for immigrants as the cause of many of society's ills, ignoring the proven revitalizing effects immigrants have on our country, including its economy;

WHEREAS some states and local governments and individual politicians are blaming immigrants for their own inability to address serious domestic issues, particularly unemployment, crime and inadequate provision of social services, and by scapegoating immigrants, they are reinforcing misconceptions and myths about the effects of immigration on society and thereby fueling anti-immigrants sentiments;

WHEREAS the contributions of immigrants to US society, particularly the taxes they pay, their underutilization of public services and the diversity they bring to US culture, need to be lifted up and affirmed;

WHEREAS the fires of racism and hatred are being fanned within our communities at a time when bridge-building is most needed;

WHEREAS historically, the mission of US churches has been rooted in service to immigrants, and American churches have been in the forefront of service to refugees, proudly welcoming them, accompanying them on their difficult journeys, sharing their joy reuniting with family members and helping them through the trauma of rebuilding their lives;

WHEREAS United States churches have been enriched and transformed by their ministry to refugees and immigrants;

WHEREAS Jesus Christ calls on all Christians to welcome the stranger in our midst and bids warning to those who refuse;

THEREFORE, the General Board of National Council of Churches of Christ in the U.S.A., meeting in New Orleans, Louisiana, November 10-12, 1994

Asks its member churches to:

Continue their service to individual refugees arriving in this country by encouraging congregations to sponsor or otherwise support and befriend refugees in their communities and to seek out and welcome immigrants, regardless of race, nationality of ethnic origin who live in their midst and to support the work of the Church World Service Immigration and Refugee Program;

Encourage their members to speak out on behalf of refugees and immigrants and more

established communities and to confront openly the racism which is apparent in much of the anti-immigrant backlash;

Advocate the continued admission of refugees to this country and to emphasize the importance of resettlement policies based on humanitarian values, protection issues and the needs of particularly vulnerable groups rather than foreign policy priorities;

Press the US government to uphold the right of those fleeing persecution and civil unrest to have access to fair asylum procedures and to abide by the international agreements which the United States government has previously signed;

Encourage the US government to ratify the International Convention on the Rights of Migrants, the new United Nations; and

Continue to pray for refugees and immigrants.

Requests the General Secretary of the National Council of the Churches of Christ in the U.S.A. to:

Call the Churches in the United States to pray for and with refugees and immigrants and to renew and create concrete ways to be in solidarity with them;

Expand advocacy efforts on behalf of refugees and immigrants by seeking to ensure that their needs are lifted up in public statements on countries experiencing crises and by coordinating NCCC policies and programs toward refugees and immigrants;

Calls on the National Council of the Churches of Christ in the U.S.A. and the member denominations to take the following actions vis à vis the United States Government:

To uphold the immigrant heritage of the United States and the US commitment to basic principles of international law by affirming the right of individuals fleeing persecution and unrest to seek asylum in the United States;

To join with people and groups of people in California to challenge the constitutionality of Proposition 187;

To renew its commitment to welcoming refugees to the United States through resettlement as an expression of its commitment to addressing the needs of the millions of people forced to flee their communities throughout the world because of fear; and

To play a leadership role in the international community by emphasizing the need for creative solutions to meet the needs of the world's refugees and uprooted people, including protection and assistance for those refugees in camps and for internally displaced people; by working to address the causes of displacement; and by supporting responsible voluntary repatriation when conditions have sufficiently changed to enable the return of refugees in safety and in dignity.

POLICY BASE: **Immigrants Refugees and Migrants, Adopted by the General Board May 14, 1981.**

Appendix "E"**Peace With Justice Week****START-UP KIT****(The Organizer's Booklet)**

CONTENTS

BACKGROUND

Why?

When?

How?

National Structure

OBSERVING THE WEEK

Call to Action

This Year's Theme

The Planning Committee

Coalition-Building

Goal-Setting

Making a Difference

Activities and Events

Scheduling

Getting the Word Out

THEME

**BUILDING BELOVED COMMUNITY:
THE HEART OF A WORLD MADE NEW
[1992]**

**YOUR PEOPLE SHALL BE MY PEOPLE
[1993]**

I. BACKGROUND

Why Peace With Justice Week?

Peace with Justice Week emerged in 1982 as a way to bring faith communities together around the understanding that social justice and peace are rooted in the same soil of our religious faith. The common hope of the first organizers was to find a period of time in which the religious community could come together to forge new relationships, new visions, and an understanding of the struggles which confront all people in the closing years of this century. For a week, faith communities around the nation are urged to come together to lift their voices for social justice and peace. Women, men, and children organize worship services, marches, forums, and teach-ins. Churches and synagogues come together to claim a shared faith heritage which calls us to act for all forms of justice and peace. Since 1982 the response has been powerful. The has caught on.

When?

Observed 16-24 October each year and Linking World Food Day, Peace Sabbath, and United Nations/International Disarmament Day (plus--as of 1992--the Children's Sabbath) to symbolize the connection between issues, the Week provides a common framework of analysis of justice issues and seeks to provide people some tools for building a more just world.

How?

Read on!

National Structure

The organizational support base of Peace With Justice Week is made up of more than forty "Inviting Organizations" (IOs) which span the member communions of The National Council of Churches of Christ (and affiliates), Catholic and Jewish groups, and local religious organizing communities. Today we speak of a Peace With Justice Week *Network* which has grown through the intentional strengthening of ties between the national office and local groups, and through linking local groups, one with another. Also, the work of Peace With justice Week has been informed by close collaboration with intentional partners in the Philippines and Central America, and by informal linkages to other "just peace weeks" in England, the Netherlands, Germany,

and Canada. (For two years materials were even published in Spanish). In recent years about 60,000 "Organizer's Flyers" have been disseminated, and about 800 Peace With Justice Week packets have distributed nation-wide.

In the eyes of many Peace With Justice Week organizers, building community relationships and links of solidarity along with tackling specific issues and concerns, may be the most urgent priority for action today. One of the most important aspects of the Week is that it provides an opportunity for developing networks which sustain communication and human support far beyond one week. Peace With Justice Week is a lively model for grassroots education through which these links can be promoted and perpetuated. Peace With Justice Week (PWJW), through its national office in New York City also makes year-round coordinating efforts. During the Persian Gulf war, for instance, the national office issued crisis info-mailing to the Network, which was unprecedented in the history of the Week. Another example of these efforts is seen in the promotion of Central America Week throughout the Network.

A tribute to those hundreds of people who organize community observances of the Week, it now embodies the primary ecumenical and interfaith community-building effort addressing peace with justice issues, and is the nation's largest annual multi-issue religious event. Now the country is dotted with well established--permanent--peace with justice organizations and groups who got their start observing the Week. From Texas to Ohio, and California, Peace With Justice Week continues to provide a rallying time for people to plant the seeds of hope for a better world.

II. OBSERVING PEACE WITH JUSTICE WEEK

Call to Action

The Week is an invitation to empowerment! Peace With Justice Week is a period of time when the fear that divides people can be acknowledged and worked and worked through together, ultimately to be abandoned in favor of solidarity and compassion. As we "meet each other where we are," the Week urges us toward renewal where there is brokenness and to seek common ground and a shared vision for the future. This is a time to recognize with Dr. Martin Luther King, Jr., that injury or injustice to any person, is injury and injustice to all. Today the Peace With Justice Week Inviting Organizations once again issue the call to action!

The theme for Peace With Justice Week is developed during an annual "Grassroots

Consultation" which bring together from around the nation local peace with justice organizers, national staff. Inviting Organization (IO) representatives and program advisors. During this two-day forum with those with community based experience with the Week critique the foregoing PWJW event and material, with an eye to whether these truly met the needs of their communities. It is also the task of this consultation to develop the coming year's focus for the Week and prepare the Call.

The Inviting Organizations issue the "Call to Action." Each year, the Call to Action informs prayer, bible study, theological reflection and action. The resource packet provided for the Week makes transparent the links between justice and peace, encourages people at the local level and globally. Millions of people have taken part in the focused educational efforts, and other observances which are part and parcel to Peace With Justice Week.

The Theme: 1992 & 1993

"Building Beloved Community: The Heart of a World Made New." -- "A new heart I will give you, and a new spirit I will put within you. . . I will remove from your body the heart of stone and give you a heart of flesh." For 1992-Based on Ezekiel 36:26.

"Your people shall be my people." For 1993 -- Based on Ruth 1:16b.

In the story of Ruth we hear a woman's passionate insistence that "your people shall be my people." She chooses to weave her life into a new community of people, wisely recognizing where hope for the future truly is to be found: in our oneness in the human family. As Ruth, we too must refuse division and seek common ground. In our active choosing to become related to one another -- in spite of our differences -- new communities will blossom and embody the hope for peace based on justice.

All humankind is linked together by the healing grace of God. Muslims name God, "Allah al Rahim, (The Most Merciful)," Jews speak of "El Rophe (God the Healer)" and Christians tell of God's healing work through Christ. No matter how we name or speak about God, it is increasingly important that we name each other brothers and sisters and call each other to become related. We belong to each other and we need each other -- we are each other's people.

The last few years have seen a stunning turn of world events. Now more than ever, conversion to a "humane" economy -- a turn away from grotesquely disproportionate military spending to researching the social contract -- faces a window of opportunity.

But, in spite of the hope sparked by the different geopolitical order of things in the 1990s, people in the US are experiencing malaise, due to the pain of living in what, Walter Brueggemann has called a state of emergency characterized by 70% of our population feeling that we have "gotten off the track." The "recession" is felt in every aspect of people's lives: social, cultural, economic and moral. This was expressed emphatically by PWJW grassroots consultants, who spoke of the general popular despair in their communities. There is isolation, alienation, insecurity, and deep spiritual hunger.

What is our responsibility as people of faith, as members of the religious community, in a times such as ours? In conversation we came to agree that there is an acute need for people to be in relationship and community with one another -- to be in solidarity during this decisive and crucial season, this moment of judgment of grace, of danger and hopefulness -- to move from chaos into community.

Martin Luther Kim, Jr. spoke of "beloved community" as a foundation of the Civil Rights Movement. In this great tradition, recognizing that community-building is desperately undermined by the ethos of competitive individualism with which US society is saturated, it behooves us to join together and be a chorus in this wilderness, pool our resources, call our people to contemporary confessions of faith and infuse hope in people. The PWJW Network is well-poised for this conversion work. That means YOU. You who are practitioners of a vigorous public witness for social justice and peace and who work to deepen public dialogue around the critical issues of our times, you are the lifeblood of this movement!

The Planning Committee

Peace With Justice Week is coming. The idea of doing something within your community may have occurred to you before, maybe more than once. But how does one get the ball rolling? First, you need others to work with; you need a planning committee. Because working in coalition is a primary goal of PWJW, invite the participation of the widest span of constituencies (communities) within your larger community. This ensures that the planning process itself will take into account the experience and needs of a broad cross-section of the people of your community. Know your community. Before you determine the focus of activities, gather as diverse a group of people as possible to participate in the planning. The greater the inclusivity of your planning committee, the stronger the coalition.

Coalition-Building

Coalition-building is a way of organizing to achieve specific goals. By definition, "a coalition is a combination or union, a temporary alliance for joint action." But ideally, a coalition is much more than a temporary strategic action tool. If you base your coalition on issues only, when the binding issues change, you may lose your coalition in the process. For this reason, you are invited to create your coalition in the spirit of "beloved community." Getting to know each other is crucial. Building trust and sharing informally with each other about your experience, hopes, fears, angers, and dreams, which have formed in you a longing for justice, is perhaps the most critical step you will take in the planning process. And it may indeed be one of the most cherished times you will share with people different from you, yet who share deeply your commitment to working for the common good. In the eyes of Holy, we are all one.

Goal Setting

In spite of your differences, you will come into coalition when you agree on a common goal and joint action to achieve it. In this process you will experience a healthy tension between unity and diversity. Each group within the group maintains its own identity while affirming that the strength of the coalition is its diversity, which broadens the base of support. Clearly define the goal that is shared by all participating persons and groups. Discover how the causes and consequences of racism, economic injustice, sexism, violence and environmental degradation are intertwined and affect people of diverse communities differently, but in an interconnected way. The form of action the group chooses should reflect these relationships. In the process of preparing for Peace With Justice Week, you are co-creating a powerful vehicle to channel diverse energies into a unified force for fundamental change.

Making a Difference

If there is no justice, how can there be peace? Since 1982 Peace With Justice Week has fostered the integration of issues, challenging the false separation of justice from peace. This concept of unity continues to find life in a variety of actions as local communities around the country bring diverse groups of people together. Though it takes time and patience, coalitions work! During the Civil Rights Movement, African American organizations were joined by students, religious and labor groups to achieve victories over segregation. A similar coalition helped stop the United States from waging war in Vietnam. In recent years, a strong coalition of anti-apartheid groups has

successfully lobbied corporations to divest from South Africa and Congress to impose economic sanctions against South Africa.

Activities and Events

Peace With Justice Week activities have fostered the building of coalitions that have strengthened the local struggle for justice and peace. For example, in Jacksonville, Florida, Peace With Justice Week activities have become community-wide event supported by religious, civic, business and educational institutions. Several years ago a group of people initiated the Week by marching from a local soup kitchen to the National Guard Armory to dramatize how militarism causes hunger and misery without even firing a shot. In Austin, Texas there is an annual "Give Peace a Dance" dance-athon for fund-raising and consciousness raising. For more descriptions of recent events, check the PWJW Organizer's Flyer. Below is a partial list of Peace With Justice Week events held in years past, many of which have grown to be annual traditions:

◆ **Book Fairs**

Sell, trade and/or loan important books, and set up educational displays

◆ **Tree Plantings**

Celebrate life, raise awareness around ecology and the environment, address Native American issues.

◆ **Ecumenical and Interfaith Services**

Celebrate diversity, different gifts, common ground, make covenants for continuing partnership.

◆ **Concerts**

Hear music with a message, raise funds, mediate, rest and rejuvenate to ease the struggle.

◆ **Candidate Forums**

Get candidates to speak to the issues: education, health-care, housing, national debt, military spending. . . .

◆ **Campaigns**

Such as, a bearing a red ribbon supporting people with AIDS, tying a red thread around your wrist in solidarity with female victims of sexual and physical abuse, doing a letter-writing campaign to Congress.

◆ **Civil Disobedience**

Known also as "Divine obedience" -- people of faith seek truth and justice, some laws further neither. . . .

◆ **Peace With Justice Festivals**

Combine fun with education in the park or local shopping mall.

◆ **Vigils/Marches/Demonstrations**

Witness publicly to the Peace With Justice Call to Action.

◆ **CROP Walks**

Fund-raiser through pledges, for direct service providers.

◆ **Plays and Dramatic Presentations**

Many plays, books, poems, etc. address issues of justice and peace.

◆ **Make love not war . . . the possibilities are endless.**

Use your imaginations!

Scheduling

Peace With Justice Week always falls in the week of 16-24 October. This period of time was chosen because it aptly connects World Food Day (the 16th), Peace Sabbath (floating), the United Nations/International Disarmament Day (the 24th). Also, as of 1992, there is a new day designated as Children's Sabbath (which will float like Peace Sabbath). Groups are encouraged to observe these specific days in some appropriate way. Beyond these set date, there is a lot of flex in the Week. Find out if there are other groups planning event in this period o time which could be linked to the Week. It never hurts to suggest that groups intentionally schedule their justice-events during the Week, so as to facilitate Peace With Justice coalition building/networking. Maybe there are already long-standing local holidays or events which might lend themselves to your observances of PWJW.

Be sure to check calendars before you schedule. It wouldn't be helpful for an event to conflict with another important happening in the community. The time and location of the event is important. Is it a time that is convenient for working people, for older people and children? Certain religious holidays and occasions may appropriately chosen for events -- especially prayer services -- but others may not be, so be attentive to the calendars of various faith traditions. Is the location conveniently located? Is it accessible to disable people?

There are many holidays throughout the year which, although they do not fall during Peace With Justice Week, provide an opportunity to lift up peace with justice themes. The energy and inspiration of Peace With Justice Week activities will hopefully persist within your community throughout the whole year. Here is a partial list of days that themselves to the Peace With Justice agenda:

Indigenous Peoples Day (Columbus Day)

12 October -- A time for reflection on the history of the Americas, action to undo racism, education on the cultures of indigenous peoples, and identifying/lifting up issues of justice for indigenous peoples.

Pentecost (Christian)

7 June -- A time to lift up the unity of peoples, to celebrate our capacity to understand others, inspite of differences, and reclaim shared values. The day commemorates the birth of the Christian Church.

Shavuot (Jewish Pentecost)

50 days after the Passover--A time to celebrate God's covenant with humanity, and to commemorate the birth of the people of Israel as a covenant people and the giving of the Torah at Sinai.

Hiroshima & Nagasaki Days

6 & 9 August--A time to remember the horror of the atomic bombings and its victims, and to raise a call to all nations that this must never happen again.

Dr. Martin Luther King, Jr. Birthday

15 January--A time to reacquaint people with King's teachings and celebrate his gift to all people, to celebrate the Civil Rights Movement, and to reaffirm our commitments to undo racism.

Black History Month

February--A time to learn about and celebrate the achievements and contributions of African Americans, to lift up African American, and to identify and lift up issues of justice for African Americans.

International Women's Day

8 March--A time to learn about and celebrate the achievements and contributions of women, and to identify and lift up justice for women issues.

INTERdependence Day (Fourth of July)

4 July--A time to call our nation to rededicate itself to government by the people, for the people. . . all of whom are created equal. . . and to work to ensure liberty and justice for all.

Children's Sabbath

2nd or 3rd weekend in October--A time to consider the condition of our children, our most vulnerable people, and to consider the future we are creating for them.

Getting the Word Out

Newsletters: Many organizations which would welcome news of Peace With Justice Week publish regular newsletters. Churches, Clubs, peace groups, community

organizations and others send mailings to large numbers of people who would be interested in the Week. Call them and offer to send them a sample article (see suggestion below). Maybe one of the PWJW planners could be interviewed. Also, inexpensive advertising is frequently available in these kinds of publications.

Newspapers and Other Print Media:

Local newspapers are interested in the activities of local groups.

Press Release: A press release must be sent at the very least two weeks prior to the scheduled event(s). A piece that misses the deadline is useless. Keep releases short and simple, like an announcement. Use clear, strong language (no slang), with only one idea to a sentence, and short paragraphs providing only the critical details of your event. The headline is easier to write after drafting the release and should be kept simple. The first paragraph must contain the key points. What is happening? Who is doing it? When? Where? use a quote like, "Coalition for Peace will join with religious communities across the nation to lift our voices for justice and to celebrate the tenth annual interfaith Peace With Justice Week." says Pat Hardin, Coordinator of Springfield's Coalition for Peace. Include a graphic for this year's week. The standard format for a release is typed, double-spaced, with wide margins, preferably only one page. Include a contact person name, with day and evening phone numbers, for further information. Send/fax it off to as many newspapers as possible. (Your local library should be able to help you generate a list.) If possible, send the release to a named journalist or editor. Phone a couple of days later, check to be sure that it has been received and read, and establish personal contact -- but don't harass. If no one covers the event, write up the event yourself and send it promptly with black and white photos (as available). Your release can be adapted to send to newsletter editors, and organizations, and for running in your own mailings and newsletters.

Broadcast Media:

Radio and TV are excellent channels for spreading the word.

Public Service Announcement: PSAs are offered as a community service by many radio and television stations. A key to getting PSAs on the air is establishing good relations with a key person at the station. Generate a list of local stations using the Yellow Pages under "Radio Stations & Broadcasting Companies." Questions to ask the station's PSA point-person include:

- ✓ What format do you use: script? taped messages?
- ✓ How much lead time do you require? (Many stations want three weeks; some are more flexible.)

✓ How long are your PSAs? (The average length is thirty seconds--about 100 words--though some stations will give only ten seconds--40 words.)

Follow up your request with a phone call to the Public Affairs Director shortly after the PSA is sent. Call them to thank them for airing the message after the initial airing.

Write a thank you note after the airing period. Mention if people have contacted you as a result of the PSA and if they've said positive things about the station.

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